

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY - SOCIAL SERVICES

ARTICLE 49. CHILD CARE ASSISTANCE

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Repealed

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ARTICLE 49. CHILD CARE ASSISTANCE

R6-5-4901. Definitions

A. Location of Definitions. Definitions applicable to this Article are found in the following:

<u>Definition</u>	<u>Section or Citation</u>
<u>“ADHS”</u>	<u>R6-5-4901(B)</u>
<u>“ADHS-certified Group Home”</u>	<u>R6-5-4901(B)</u>
<u>“ADHS-licensed Child Care Center”</u>	<u>R6-5-4901(B)</u>
<u>"Adult"</u>	<u>R6-5-4901(B)</u>
<u>“Appellant”</u>	<u>R6-5-4901(B)</u>
<u>“Applicant”</u>	<u>R6-5-4901(B)</u>
<u>“Application”</u>	<u>R6-5-4901(B)</u>
<u>“Application File Date”</u>	<u>R6-5-4901(B)</u>
<u>“Authorized”</u>	<u>R6-5-4901(B)</u>
<u>“Availability”</u>	<u>R6-5-4901(B)</u>

<u>“Business Day”</u>	<u>R6-5-4901(B)</u>
<u>“Caretaker”</u>	<u>R6-5-4901(B)</u>
<u>“Caretaker Relative”</u>	<u>A.R.S. § 46-801</u>
<u>“Cash Assistance”</u>	<u>R6-5-4901(B)</u>
<u>“Cash Assistance Participant”</u>	<u>R6-5-4901(B)</u>
<u>“Child Care”</u>	<u>R6-5-4901(B)</u>
<u>“Child Care Assistance”</u>	<u>R6-5-4901(B)</u>
<u>“Child Care Provider”</u>	<u>R6-5-4901(B)</u>
<u>“Client”</u>	<u>R6-5-4901(B)</u>
<u>“Countable Income”</u>	<u>R6-5-4901(B)</u>
<u>“Day”</u>	<u>R6-5-4901(B)</u>
<u>"DCC"</u>	<u>R6-5-4901(B)</u>
<u>“DCS”</u>	<u>R6-5-4901(B)</u>
<u>"De Novo"</u>	<u>R6-5-4901(B)</u>
<u>“Denial”</u>	<u>R6-5-4901(B)</u>
<u>“Deny”</u>	<u>R6-5-4901(B)</u>
<u>“Department”</u>	<u>R6-5-4901(B)</u>
<u>“Dependent”</u>	<u>R6-5-4901(B)</u>
<u>“DES”</u>	<u>R6-5-4901(B)</u>
<u>“DES-certified Child Care Provider”</u>	<u>R6-5-4901(B)</u>
<u>“EITC”</u>	<u>R6-5-4901(B)</u>
<u>“Eligibility Criteria”</u>	<u>R6-5-4901(B)</u>
<u>“Eligible Activity”</u>	<u>R6-5-4901(B)</u>

<u>“Eligible Child”</u>	<u>R6-5-4901(B)</u>
<u>“Eligible Family”</u>	<u>R6-5-4901(B)</u>
<u>“Eligible Need”</u>	<u>R6-5-4901(B)</u>
<u>“Employment”</u>	<u>R6-5-4901(B)</u>
<u>“ESOL”</u>	<u>R6-5-4901(B)</u>
<u>“Family Size”</u>	<u>R6-5-4901(B)</u>
<u>“Federal Poverty Level”</u>	<u>R6-5-4901(B)</u>
<u>“Foster Care”</u>	<u>R6-5-4901(B)</u>
<u>“Foster Parent”</u>	<u>R6-5-4901(B)</u>
<u>“FPL”</u>	<u>R6-5-4901(B)</u>
<u>“Full-day Unit”</u>	<u>R6-5-4901(B)</u>
<u>“GED”</u>	<u>R6-5-4901(B)</u>
<u>"Good Cause"</u>	<u>R6-5-4901(B)</u>
<u>"Grant Diversion"</u>	<u>R6-5-4901(B)</u>
<u>"Grant Diversion Period"</u>	<u>R6-5-4901(B)</u>
<u>"High School Equivalency Diploma"</u>	<u>R6-5-4901(B)</u>
<u>"HSE Diploma"</u>	<u>R6-5-4901(B)</u>
<u>“Homeless or Domestic Violence Shelter”</u>	<u>R6-5-4901(B)</u>
<u>“Income”</u>	<u>R6-5-4901(B)</u>
<u>“IPV”</u>	<u>R6-5-4901(B)</u>
<u>“Jobs Program”</u>	<u>R6-5-4901(B)</u>
<u>“Jobs Program Participant”</u>	<u>R6-5-4901(B)</u>
<u>“Licensed or Certified Medical Personnel”</u>	<u>R6-5-4901(B)</u>

<u>“Local Office”</u>	<u>R6-5-4901(B)</u>
<u>“Mailing Date”</u>	<u>R6-5-4901(B)</u>
<u>“Minor Parent”</u>	<u>R6-5-4901(B)</u>
<u>“Negative Action”</u>	<u>R6-5-4901(B)</u>
<u>“Noncertified Relative Provider”</u>	<u>R6-5-4901(B)</u>
<u>“Notice Date”</u>	<u>R6-5-4901(B)</u>
<u>“Office of Appeals”</u>	<u>A.R.S. § 41-1992</u>
<u>“OIG”</u>	<u>R6-5-4901(B)</u>
<u>“Other Related Child”</u>	<u>R6-5-4901(B)</u>
<u>“Overpayment”</u>	<u>R6-5-4901(B)</u>
<u>“Parent”</u>	<u>R6-5-4901(B)</u>
<u>“Part-day Unit”</u>	<u>R6-5-4901(B)</u>
<u>“Positive Action”</u>	<u>R6-5-4901(B)</u>
<u>“Redetermination”</u>	<u>R6-5-4901(B)</u>
<u>“Referral Receipt Date”</u>	<u>R6-5-4901(B)</u>
<u>“Request for Hearing”</u>	<u>R6-5-4901(B)</u>
<u>“Responsible Person”</u>	<u>R6-5-4901(B)</u>
<u>“Self-employment”</u>	<u>R6-5-4901(B)</u>
<u>“SMI”</u>	<u>R6-5-4901(B)</u>
<u>“TANF”</u>	<u>R6-5-4901(B)</u>
<u>“Tax Claimant”</u>	<u>R6-5-4901(B)</u>
<u>“Tax Dependent”</u>	<u>R6-5-4901(B)</u>
<u>“Time Limit”</u>	<u>R6-5-4901(B)</u>

<u>“Transitional Child Care”</u>	<u>R6-5-4901(B)</u>
<u>“Unwed Minor Parent”</u>	<u>R6-5-4901(B)</u>
<u>“USDA”</u>	<u>R6-5-4901(B)</u>
<u>“Waiting List”</u>	<u>R6-5-4901(B)</u>
<u>“Work”</u>	<u>R6-5-4901(B)</u>

B. The following definitions apply to ~~this Article 49~~ unless the context otherwise requires:

1. ~~“Adequate notice” means written notification that explains the action the Department intends to take, the reason for the action, the specific authority for the action, the client’s appeal rights, and right to benefits pending appeal, and that is mailed before the effective date of the action.~~
1. “ADHS” means the Arizona Department of Health Services.
2. “ADHS-certified Child Care Group Home” means a Child Care Provider who is certified by ADHS under A.R.S. § 36-897.01.
3. “ADHS-licensed Child Care Center” means a Child Care Provider who is licensed by ADHS as prescribed in A.R.S. § 36-881.
4. “Adult” means a person age 18 or older.
- 2-5. “Appellant” means an ~~applicant or recipient of assistance~~ Applicant or Client of Child Care Assistance who is appealing a ~~negative action~~ Negative Action by the Department.
3. ~~“Availability” means the portion of time that a parent or caretaker can provide care to their own child, as determined by the Department, because the parent or caretaker is not participating in an eligible activity.~~
- 4-6. “Applicant” means a person who has filed an ~~application~~ Application for Child Care Assistance.

7. “Application” means an Application form for Child Care Assistance.
8. “Application File Date” means the date any Child Care Administration office receives an Application. Applications are only accepted on Business Days. When an Application is submitted after the end of a Business Day, the Application File Date is the following Business Day.
- 5-9. “Authorized” means having approval granted to an Eligible Family or Eligible Child by the Department for the specific amount of Child Care Assistance for a specific period of time.
6. ~~“CCA” means the DES Child Care Administration.~~
10. “Availability” means the portion of time in which a Caretaker is able to provide care to the Caretaker's own child, as determined by the Department, because the Caretaker is not participating in an Eligible Activity.
11. “Business Day” means Monday through Friday from 8:00 a.m. to 5:00 p.m., excluding Arizona state holidays, as provided in A.R.S. § 1-301.
12. “Caretaker” means a Parent, Caretaker Relative, or Legal Guardian who takes care of a child needing Child Care Assistance.
- 8-13. “Cash Assistance” means the program administered by the DES Family Assistance Administration that provides temporary Cash Assistance to needy families.
- 9-14. “Cash Assistance participantParticipant” or "CA Participant" means a recipient of Cash Assistance.
- 10-15. “Child careCare” means the compensated service ~~the Department provides that is provided~~ to a child who is unaccompanied by a ~~parent~~Parent or guardian during a portion of a 24-hour day.

- ~~11-16.~~ "Child Care Assistance" means ~~money-monetary~~ payments for ~~child care~~ Child Care services paid by the Department for the benefit of an ~~eligible family~~ Eligible Family.
- ~~12-17.~~ "Child Care Provider" means ~~a child care facility licensed under A.R.S. Title 36, Chapter 7.1, Article 4, child care home providers, in-home providers, noncertified relative providers, and regulated child care on military installations or federally recognized Indian Tribes~~ an ADHS-licensed Child Care Center, DHS-certified Group Home, DHS-certified Child Care Provider, Noncertified Relative Provider, or regulated Child Care Provider on military installations or within federally recognized Indian Tribes.
- ~~13-18.~~ "Client" means a person who has ~~requested, has been referred for, or who is currently receiving approved for,~~ Child Care Assistance.
- ~~14-190.~~ "Countable ~~income~~ Income" means the gross ~~income~~ Income of individuals included in ~~family size~~ Family Size that the Department considers to determine eligibility and calculate an assistance amount.
- ~~15.~~ "~~CPS or Child Protective Services~~" means ~~the child welfare services administration within the Department's Division of Children, Youth, and Family Services.~~
- ~~16-20.~~ "Day" means a calendar ~~day~~ Day unless otherwise specified.
- ~~17.~~ "~~DDD~~" means ~~the Division of Developmental Disabilities.~~
21. "DCC" means the Division of Child Care.
22. "DCS" means the Arizona Department of Child Safety.
23. "De Novo" means a fresh, independent determination of the matter at stake.
- ~~18-24.~~ "Denial" or "Deny" means a formal decision of ineligibility on an ~~application~~ Application, referral, or request for Child Care Assistance.
- ~~19-25.~~ "Department" or "DES" means the Arizona Department of Economic Security.

~~20-26.~~ “Dependent Child” ~~child~~ means a person less than age 18, who resides with the ~~applicant~~Applicant, and whom the ~~applicant~~Applicant has the legal financial obligation to support.

~~21-27.~~ “DES-certified ~~child care provider~~Child Care Provider” means a ~~provider~~Child Care Provider who is certified by the ~~Department of Economic Security~~Department under A.R.S. § 46-807, and who provides care in either the child’s home or the Child Care Provider's own home.

~~22.~~ “~~DHS-certified group home~~” means a provider who is certified by the Department of Health Services under A.R.S. § 36-897.01.

~~23.~~ “~~DHS-licensed child care center~~” means a provider who is licensed by the Department of Health Services as prescribed in A.R.S. § 36-881.

~~24-28.~~ “EITC” means Earned Income Tax Credit and is a federal ~~income~~Income tax credit for low-income ~~working~~Working individuals and families.

~~25-29.~~ “Eligibility ~~criteria~~Criteria” means the requirements an individual or family ~~must~~are required to meet to receive Child Care Assistance.

~~26-30.~~ “Eligible ~~activity~~Activity” means a specific type of activity that causes an ~~applicant~~Applicant or ~~recipient~~Client, and any other ~~parent~~Parent or ~~responsible person~~Responsible Person in the ~~eligible family~~Eligible Family, to be unavailable to provide care to ~~their children~~Eligible Children for a portion of a 24-hour day, and that partially determines the amount of Child Care Assistance ~~an eligible family shall receive~~the Eligible Family receives.

~~27-31.~~ “Eligible ~~child~~Child” means a child who is less than 13 years of age at the time of Initial Determination or Redetermination, and who meets all other Eligibility Criteria.

~~28-32.~~ 33. “Eligible ~~family~~Family” means a group of persons whose needs, ~~income~~Income, and other circumstances are considered as a whole for the purpose of determining eligibility and amount of Child Care Assistance.

~~29-33.~~ 33. “Eligible ~~need~~Need” means a specific type of need that causes an ~~applicant~~Applicant or ~~recipient~~Client, or any other ~~parent~~Parent or ~~responsible person~~Responsible Person in ~~the eligible family~~an Eligible Family; to be unavailable or incapable to provide ~~child~~care to their an Eligible Family's children for a portion of a 24-hour day, and that partially determines the amount of Child Care Assistance an ~~eligible family~~Eligible Family shall receive.

34. “Employment” means the performance of duties for wages or salary on a regular basis for an employer who directs Work activities through assigned Work hours or assigned projects, and who withholds federal and state taxes from wages or salary; or Self-employment.

~~30-35.~~ 35. ~~“E.S.O.L.”~~“ESOL” means English for Speakers of Other Languages.

~~31.~~ “Existing client” means an individual who is currently receiving Child Care Assistance or who has an open Child Care Assistance case with the Department.

~~32-36.~~ 36. “Family ~~size~~Size” means the number of individuals considered when determining ~~income~~Income eligibility, and includes the ~~applicant~~Applicant, Client, other ~~parent~~Parent or ~~responsible person~~Responsible Person, and ~~their dependent children~~the Dependent Children who reside in the same household, subject to ~~R6-5-4914~~(D)R6-5-4906(D).

~~33-37.~~ 37. “Federal ~~poverty level~~Poverty Level” or “FPL” means ~~the poverty~~the same as “poverty line” defined at 42 U.S.C. 9902(2) guidelines issued by the United States

~~Department of Health and Human Services under Section 673(2) of the Omnibus Reconciliation Act of 1981; and is reported annually in the Federal Register;~~ which are ~~is~~ converted into monthly amounts by the Department; ~~which shall become effective for use in determining and is used to determine eligibility for Child Care Assistance on the first day of the state fiscal year immediately following the publication of the annual amount in the Federal Register.~~

~~34.~~ 38. “Foster ~~care~~ Care” means ~~that the Department or an Arizona Tribe placed a child in the custody of a licensed foster parent care and supervision provided to a child who is in the custody of DCS or Tribal child protective services.~~

~~35.~~ 39. “Foster ~~parent~~ Parent” means any person ~~licensed by the Department or an Arizona Tribe to provide for the out of home approved by DCS or Tribal child protective services to provide for the out-of-home care, custody, and control of a child.~~

~~36.~~ “Gap in employment” means ~~a period of 30 consecutive days of Child Care Assistance that begins the first day after the last day worked and ends the 30th day after the last day worked for an existing client who has lost employment.~~

~~37.~~ 40. “G.E.D.” “GED” means ~~General Equivalency Diploma—General Education Development, which is a system of standardized examinations that entitle those who pass to be eligible to receive a High School Equivalency Diploma in the State of Arizona.~~

~~41.~~ “Good Cause” means, ~~for the purpose of reopening a hearing, that a non-appearing party's failure to appear at the hearing, or to timely notify the hearing officer, was beyond the party's reasonable control.~~

- ~~42.~~ "Grant Diversion" means one non-recurring payment equal to three months of Cash Assistance to divert the Cash Assistance Participant from ongoing Cash Assistance when the participant is likely to gain full-time Employment within 90 Days.
- ~~43.~~ "Grant Diversion Period" means the three-month period that the Grant Diversion payment covers.
- ~~44.~~ "High School Equivalency Diploma" or "HSE Diploma" means an educational certificate that is comparable to a high school diploma.
- ~~38.~~ "Homebound" means a person who is confined to their home because of physical or mental incapacity.
- ~~39-45.~~ "Homeless shelter or Domestic Violence Shelter" means a public or private nonprofit program that is targeted to assist homeless families and is designed to provide temporary or transitional living accommodations and services to assist such families toward self-sufficiency.
- ~~40-46.~~ "Income" means combined earned and unearned income combined Income.
- ~~47.~~ "Initial Determination" means the decision by Department staff regarding a Client's eligibility to receive Child Care Assistance after Department staff verify all required criteria.
- ~~48.~~ "Intentional Program Violation" or "IPV" means a deliberate act or omission for the purpose of establishing or maintaining eligibility for Child Care Assistance, for increasing or preventing a reduction in assistance, or for decreasing assigned copayments.
- ~~41-49.~~ "Jobs Program" means the program established by the Department to ensure that a TANF CA Participant complies with work requirements, as prescribed in 42 U.S.C. 607 and A.R.S. § 46-299.

~~42-50.~~ “Jobs participantProgram Participant” means a ~~participant~~ TANF CA Participant who is participating in the Jobs ~~program~~ Program as a condition of receiving Cash Assistance.

51. “Legal Guardian” means a person with court-appointed guardianship who has been given the power and responsibility of a Parent over a minor child. Legal guardianship does not constitute legal or financial responsibility.

52. “Licensed or Certified Medical Personnel” means a licensed physician, certified physician assistant, certified nurse practitioner; or certified psychologist or certified behavioral health specialist for mental or emotional conditions only.

~~43-53.~~ “Local officeOffice” means a ~~CCA-DCC~~ location that is designated as the location in which Child Care Assistance ~~applications~~ Applications and other documents are filed with the Department and in which eligibility and assistance amounts are determined for a particular geographic area of the state.

~~44. “Lump sum income” means a single payment of earned or unearned income, such as a retroactive monthly benefit, non-recurring pay adjustment or bonus, inheritance, or personal injury and workers’ compensation award.~~

~~45-54.~~ “Mailing dateDate” means, when used in reference to a document sent first-class, postage prepaid, through the United States mail, means the date:

- a. Shown on the postmark;
- b. Shown on the postage meter mark of the envelope, if there is no postmark; or
- c. Entered on the document as the date of its completion, if there is no legible postmark or postage meter mark.

~~46-55.~~ “Minor parentParent” means a ~~parent~~ Parent less than the age of 18 years.

~~47.56.~~ “~~Negative action~~Action” means ~~one of the Department actions described in R6-5-4918, including action to terminate assistance or increase the Denial, decrease, or termination of services, such as decreasing the amount of assistance or increasing the fee level and copayment for Child Care Assistance.~~

~~48.57.~~ “~~Noncertified relative provider~~Relative Provider” means a person contracted with DCC as a Child Care Provider who is at least 18 years of age, who is by blood, marriage, or adoption, the grandparent, great grandparent, sibling not residing in the same household, aunt, great aunt, uncle or great uncle of ~~the eligible child,~~ an Eligible Child, and who provides ~~child care~~ Child Care services to ~~an eligible child, and meets the Department’s requirements to be a noncertified relative provider~~ the Eligible Child.

~~49.58.~~ “~~Notice date~~Date” means the date that appears as the official date of issuance on a document or official written notice the Department sends or gives to an ~~applicant~~ Applicant or ~~recipient~~ Client.

~~50.59.~~ “~~OSI~~ or “~~Office of Special Investigations~~”“OIG” means the Office of Inspector General, the Department office to which ~~CCA-DCC~~ refers cases for investigation of certain eligibility information, investigation and preparation of fraud charges, coordination and cooperation with law enforcement agencies and other similar functions.

~~51.60.~~ “~~Other related child~~Related Child” means a child who is related to the ~~applicant~~ Applicant or ~~recipient~~ Client by blood, marriage, or adoption, and who is not the ~~applicant’s~~ Applicant’s or ~~recipient’s~~ Client’s natural, step, or adoptive child.

~~52.61.~~ “Overpayment” means a Child Care Assistance payment received by a ~~child care provider~~ Child Care Provider or for an ~~eligible family~~ Eligible Family that exceeds the

amount to which the ~~provider~~ Child Care Provider or ~~family~~ Eligible Family was lawfully entitled.

~~53-62.~~ “Parent” means the biological mother or father whose name appears on the birth certificate, the person legally acknowledged as a mother or father, a father who has had an adjudication of paternity, or the adoptive mother or father of the child.

~~54-63.~~ “Positive ~~action~~ Action” means the approval, increase, or resumption of service such as increasing the amount of assistance or decreasing the fee level and copayment.

64. “Qualified Alien” means the same as defined at 8 U.S.C. 1641(b).

~~55. “Recipient” means a person who is a member of an eligible family receiving Child Care Assistance.~~

65. “Redetermination” means the Department's review of all factors affecting an Eligible Family's continued eligibility and assistance amount.

66. “Referral Receipt Date” means the date any DCC office receives a referral from DCS, a Tribal child protective services, or the Jobs Program for Child Care Assistance.

~~56. “Relative” means a person who is by blood, adoption, or marriage a parent, grandparent, great-grandparent, sibling of the whole or half blood, stepbrother, stepsister, aunt, uncle, great-aunt, great-uncle, or first cousin.~~

~~57-67.~~ “Request for Hearing” means a clear written expression by an ~~applicant~~ Applicant or ~~recipient~~ Client, or such person’s representative, indicating a desire to appeal a Department decision to ~~a higher authority~~ the Office of Appeals.

~~58-68.~~ “Responsible ~~person~~ Person” means one or more persons, residing in the same household, who have the legal ~~responsibility~~ obligation to financially support:

- a. One or more of the children for whom Child Care Assistance is being requested; or

b. The ~~applicant~~ Applicant or recipient of Child Care Assistance.

~~59. "Review" means the Department's review of all factors affecting an eligible family's eligibility and assistance amount.~~

~~69. "Self-employment" means a legal Work activity engaged in by an individual who has no employer, earns an adjusted hourly payment that is equal to or greater than Arizona minimum wage, has no federal or state taxes withheld from wages or salary, and who carries on a trade business as one of the following: a sole proprietor or an independent contractor; a member of a partnership; or an individual who is otherwise in business for that individual.~~

~~60. "Self-Sufficiency Declaration" means a written statement signed and dated by the child care recipient that lists the specific actions the recipient has taken during the most recent six or 12-month period to maintain or increase self-sufficiency.~~

~~70. "SMI" means State Median Income, a three-year estimate of the median Income for a four-person household in each state, derived from the American Community Survey conducted by the United States Census Bureau. SMI is announced annually by the United States Department of Health and Human Services, Administration for Children and Families, Office of Community Services.~~

~~71. "TANF" means Temporary Assistance for Needy Families.~~

~~61-72. "Tax Claimant" means a relative more than age 17 an Adult who resides with a parent Parent who has applied for or is receiving Child Care Assistance, and who states their an intention to claim any member of the eligible family-Eligible Family as a tax-dependent Tax Dependent on a federal or state income-Income tax return for the current calendar year, to be filed in the following calendar year.~~

~~62-73.~~ "Tax Dependent" means a member of an ~~eligible family applying for or receiving~~ Child Care Assistance-Eligible Family who is included in ~~family size~~ Family Size, and who the ~~tax claimant~~ Tax Claimant states an intention to claim as a ~~dependent~~ Dependent on a federal or state ~~income~~ Income tax return for the current calendar year, to be filed in the following calendar year.

~~63-74.~~ "Time Limit" means that each child in the ~~eligible family~~ Eligible Family may receive no more than 60 cumulative months of Child Care Assistance in a lifetime, unless the ~~parent~~ Parent, ~~caretaker relative~~ Caretaker Relative, or legal guardian of the child needing care ~~can~~ is able to prove the Parent, Caretaker Relative, or legal guardian is making efforts to improve skills and move toward self-sufficiency, under A.R.S. § ~~46-803(K)(1)~~ 46-803(L)(1).

75. "Transitional Child Care" means time-limited Child Care benefits that are available to former Cash Assistance families for 24 months.

~~64. "Unit" means a part or full day measurement of Child Care Assistance authorized by the Department to meet the needs of an eligible family based on the participation of parents, caretaker relatives, or legal guardians of the children needing care in an eligible activity.~~

76. "Unwed Minor Parent" means a person less than 18 years of age who is a Parent and has never been married.

77. "USDA" means the United States Department of Agriculture.

~~65-78.~~ "Waiting List" means the prioritization of ~~applicants~~ Applicants by the Department to manage resources within available funding by placing ~~applicants~~ Applicants determined eligible for Child Care Assistance on a list, until the Department determines that sufficient funds are available to fund Child Care Assistance for families on the list.

~~66-79.~~ “Work” means the performance of duties on a regular basis for wages or salary.

~~R6-5-4904.~~ R6-5-4902. Access to Child Care Assistance

A. Application for Child Care Assistance.

1. Any person may apply for Child Care Assistance by filing either in person or by mail, a Department-approved ~~application~~ Application form with any ~~CCA DCC~~ office.
2. ~~The application file date is the date any CCA office receives an identifiable application.~~
~~An identifiable application contains, at a minimum, the following information: A~~
Department-approved Application is only accepted on a Business Day. When an
Application is submitted after the end of a Business Day, the Application File Date is the
following Business Day. A Department-approved Application shall include
 - a. The legible name, phone number, and address of the person requesting ~~assistance~~
Child Care Assistance; and
 - b. The written or electronic signature, under penalty of perjury law, of the ~~applicant~~
Applicant or, if the ~~applicant~~ Applicant is incompetent or incapacitated, ~~someone~~
legally authorized to act on behalf of the ~~applicant~~ the Applicant's legal
representative.
3. In addition to the identifiable information described in subsection (A)(2), a completed ~~application~~ Application shall contain:
 - a. The names of all persons living with the applicant and the relationship of those persons to the applicant, and
 - b. All other eligibility information requested on the application form.

~~B.~~ Request for Child Care Assistance.

- ~~1. Cash Assistance participants who need Child Care Assistance for employment activities are not required to complete an application.~~
- ~~2. Child Care Assistance for Cash Assistance participants may begin effective the start date of the eligible activity but not earlier than the date that the participant requests Child Care Assistance from a local CCA office after the Department has verified eligibility criteria.~~

C.B. Referral for Child Care Assistance.

1. Jobs Program Participants. ~~Cash Assistance participants~~ TANF CA Participants in ~~Jobs approved work activities~~ Jobs Program-approved Work activities who request ~~child care~~ Child Care shall be referred by the Jobs Program for Child Care Assistance.
2. ~~Child Protective Services Families (CPS)~~ DCS or Tribal child protective services families.
~~CPS~~ DCS or Tribal child protective services shall refer families whom DCS or Tribal child protective services deem eligible for Child Care Assistance on a case-by-case basis.
3. ~~CPS and DDD Foster Families~~ DCS or Tribal child protective services foster families.
~~CPS or DDD~~ DCS or Tribal child protective services shall determine eligibility for and refer children in the care, custody, and control of ~~DES~~ DCS or Tribal child protective services who need ~~child care~~ Child Care services, as documented in a ~~foster care~~ Foster Care case plan.

~~R6-5-4905.~~ R6-5-4903. Initial Eligibility Interview

- A. Upon receipt of an ~~identifiable application~~ Application, the Department ~~shall~~ may schedule an ~~initial~~ eligibility interview ~~for with~~ the applicant Applicant. ~~Upon request, the Department shall conduct the interview at the residence of a person who is homebound.~~
- ~~B. The applicant shall attend the interview. A person of the applicant's choosing may also attend the interview.~~
- ~~C. The Department may conduct a telephone interview if the applicant has previously verified citizenship or legal residency status as prescribed in R6-5-4911(E).~~
- ~~D.B.~~** During the eligibility interview, a Department representative ~~shall~~ may:
1. Assist the ~~applicant in~~ Applicant with completing the ~~application form~~ Application;
 2. ~~Witness the signature of the applicant~~ Review any verification information already provided;
 3. Discuss information pertinent to ~~the applicant's child care~~ each Applicant's Child Care needs, including;
 4. ~~Provide the applicant with written information explaining:~~
 - a. The terms, conditions, and obligations of the Child Care Assistance program;
 - b. Any additional verification information ~~as prescribed in R6-5-4906 which that~~ the ~~applicant must~~ Applicant is required to provide for to the Department ~~to conclude the eligibility evaluation~~;
 - c. The Department practice of exchanging eligibility and ~~income~~ Income information among Department programs;

- d. The coverage and scope of the Child Care Assistance program;
- e. ~~The applicant's rights, including the right to appeal a negative action; and~~ Applicant's Time Limit for Child Care Assistance;
- f. ~~The requirement to report all changes within two work days from the date the change becomes known; six-child limit for Child Care Assistance;~~
- g. The Applicant's rights, including the right to appeal a Negative Action;
- h. The Applicant's duties, including DES required copayments, additional charges imposed by a Child Care Provider, and the ten-Business Day change reporting requirement; and
- i. Overpayments for failure to make timely change reports.

~~5.4.~~ Review the penalties for perjury, ~~and~~ fraud, and IPV, as printed on the ~~application~~ Application;

~~6.~~ Explain to the applicant who is included in family size for the purpose of determining income eligibility, and whose availability is considered in determining the amount of Child Care Assistance authorized for each child needing care as prescribed in ~~R6-5-4914(D)~~;

~~7.~~ If the applicant is the parent of the children needing care, explain the tax claimant provision under ~~R6-5-4914(D)(3)~~;

~~8.~~ Provide the applicant with the tax claimant declaration form if there is a potential tax claimant in the household;

~~9.5. Provide the following information, including United State Internal Revenue Service EITC information, to assist the family in continuing to move toward self-sufficiency;~~

~~a. Availability of the Earned Income Tax Credit (EITC). Provide the applicant with the current U.S. Department of Internal Revenue Service (IRS) EITC information if the applicant comes into the office for the initial interview;~~

~~b. Availability of child support services through the Division of Child Support Enforcement (DCSE) to assist with paternity establishment, establishment of a child support order, or enforcement of an existing child support order. Provide the applicant with written information regarding child support services if the applicant comes into the office for the initial interview; and~~

~~c. Availability of Department-sponsored or contracted employment services that may assist the applicant and spouse or other parent in finding a job, or pursuing a better job or career. Provide the applicant with written information regarding employment services if the applicant comes into the office for the initial interview;~~

~~10. Explain to the applicant the 60-month per child time limit for Child Care Assistance:~~

~~a. Describe the child care programs to which the 60-month time limit applies;~~

~~b. Describe how child care utilization is measured per child to calculate the 60-month limit; and~~

~~c. Explain the criteria for extensions of the time limit based on continued efforts to improve job skills and move toward self-sufficiency;~~

~~11. Discuss the six-child limit for Child Care Assistance:~~

- ~~a. Explain that no more than six children in a family may receive Child Care Assistance at any point in time; and~~
- ~~b. Explain the child care programs to which the six-child limit applies;~~

~~12. Discuss the waiting list for Child Care Assistance:~~

- ~~a. Describe the programs to which it applies;~~
- ~~b. Explain prioritization for assistance based upon income for families on the waiting list;~~
- ~~c. Indicate whether the waiting list is currently in effect; and~~
- ~~d. Explain that, based on funding availability, the Department may implement a waiting list at any point in time;~~

~~13. Review any verification information already provided;~~

~~14. Explain the applicant's duties to:~~

- ~~a. Notify the Department regarding initial provider selection or changes in provider in advance of using services or changing providers;~~
- ~~b. Pay DES required copayments to the child care provider as assigned by the Department; and~~
- ~~c. Pay any additional charges to the provider for the cost of care in excess of the amount paid by the Department; and~~

~~15. Review all ongoing reporting requirements, and explain that the applicant may incur overpayments for failure to make timely reports.~~

6. Refer the Applicant to services available through the Department, if applicable, including child support services and Employment services.

~~R6-5-4912.~~ R6-5-4904. Eligible Activity or Need

A. ~~Eligible activities and needs for Child Care Assistance are described in this subsection~~
include:

1. ~~Employment.~~ Full or part-time employment Employment, including Self-employment for monetary compensation;

~~2. Self Employment. Full or part time self employment for monetary compensation.~~

~~3. Education and Training Activities with Minimum Work Requirement. A client who is employed shall be eligible to receive Child Care Assistance for education and training activities as prescribed in subsections (A)(3)(a), (b), and (c).~~

~~a. Post-secondary education in a college or trade school.~~

~~i. The client is employed an average of at least 20 hours per week, per calendar month.~~

~~ii. A self-employed client meets the 20-hour work requirement if the client's monthly net profit, divided by the current minimum wage standard, equates to the average 20-hour weekly work requirement.~~

~~iii. The education or training activity is related to the client's employment goal.~~

- ~~iv. The client's educational level is freshman or sophomore as defined by the educational institution, or the educational activities are in pursuit of an Associate Degree, or the client is in training at a vocational or trade school.~~
- ~~v. The client shall maintain satisfactory progress in the educational activity and remain in good standing, as defined by the educational institution.~~
- ~~vi. The client has not received more than the lifetime limit of 24 months of Child Care Assistance for education and training activities. Child Care Assistance authorized for educational activities before August 1, 1997, does not count toward the 24-month limit.~~
- ~~vii. Countable months toward the 24-month limit are those calendar months in which the Department authorized additional child care services for education and training needs; the Department shall not calculate the 24-month limit based on monthly usage.~~
- ~~viii. The client assumes full responsibility for employment goals and educational choices made; the Department is under no obligation to provide Child Care Assistance until educational or employment goals are attained.~~
- ~~ix. The Department shall authorize Child Care Assistance for actual class time, time between classes as determined by the Department, and travel time to and from school only.~~
- ~~x. Correspondence courses, home study courses, and study time are not eligible educational activities for Child Care Assistance.~~

- ~~b. High School, G.E.D., E.S.O.L., and Remedial Educational Activities for Adults age 20 and Older.~~
- ~~i. The client is employed an average of at least 20 hours per week, per month.~~
 - ~~ii. A self-employed client meets the 20-hour work requirement if the person's monthly net profit, divided by the current minimum wage standard, equates to the average 20-hour weekly work requirement.~~
 - ~~iii. The educational or training activity is related to the client's employment goal.~~
 - ~~iv. The client shall maintain satisfactory progress in the educational activity and remain in good standing, as defined by the educational institution.~~
 - ~~v. The client has not received more than the lifetime limit of 12 months of Child Care Assistance for education and training activities described in this Section. Child Care Assistance authorized for educational activities before August 1, 1997, does not count toward the 12-month limit.~~
 - ~~vi. Countable months toward the 12-month limit are those calendar months in which the Department authorized additional child care services for education and training needs. The Department shall not calculate the 12-month limit based on monthly usage.~~
 - ~~vii. The client assumes full responsibility for employment goals and educational choices made; the Department is under no obligation to provide Child Care Assistance until educational and employment goals are attained.~~

- ~~viii. Allowable educational activities are attendance at high school, G.E.D. or E.S.O.L. classes, or remedial educational activities as determined allowable by the Department.~~
 - ~~ix. The Department shall authorize Child Care Assistance for actual class time, time between classes as determined by the Department, and travel time to and from school only.~~
 - ~~x. Correspondence courses, home study courses, and study time are not allowable educational activities for DES Child Care Assistance.~~
 - ~~e. Cash Assistance participants who are sanctioned due to Jobs noncompliance are ineligible for Child Care Assistance for education and training activities in any month when a Jobs sanction is applied to the Cash Assistance case, unless the education and training activities are Jobs approved.~~
2. Education and training activities with a minimum Work requirement of 20 hours per week;
3. Full-time education and training activities that lead to one of the following certification or degrees in a program that is reasonably related to an employment goal that may lead to a sufficient starting wage that may eliminate the need for public assistance, once employed:
- a. Vocational certification;
 - b. Technical certification;
 - c. Trade certification;

d. Associate degree; or

e. Bachelor degree.

4. ~~Teen Parents in Education and Training Activities. Teen parents are eligible for Child Care Assistance for education and training activities according to the following criteria.~~

A Teen Parent in education and training activities, including high school, GED or HSE Diploma preparation classes, ESOL classes, or remedial educational activities in pursuit of a high school diploma or HSE Diploma;

~~a. The teen parent is under age 20.~~

~~b. The teen parent is attending high school, G.E.D., or E.S.O.L. classes, or remedial educational activities in pursuit of a high school diploma.~~

~~c. Child Care Assistance for teen parents for the educational activities described in this Section is not time limited. The teen parent shall continue to receive assistance for the educational activity if eligibility criteria are met and until the teen parent:~~

~~i. Receives a diploma or certificate; or~~

~~ii. Attains the age of 20 years, whichever occurs first.~~

~~d. If the teen parent attends post-secondary educational activities, the eligibility criteria outlined under "Post-Secondary Education" in subsection (A)(3)(a) shall apply.~~

~~e. The Department shall authorize Child Care Assistance for actual class time, time between classes as determined by the Department, and travel time to and from school only.~~

~~f. Correspondence courses, home study courses, and study time are not allowable educational activities for Child Care Assistance.~~

~~g. Cash Assistance participants who have been sanctioned due to Jobs noncompliance are ineligible for Child Care Assistance for education and training activities in any month that a Jobs noncompliance sanction is applied to the Cash Assistance case, unless the education and training activities are Jobs approved.~~

5. Participation in Jobs Program approved activities ~~Approved Activities. Individuals participating in the Jobs Program and who receive Cash Assistance shall be eligible for Child Care Assistance if the following criteria are met.:~~

~~a. The individual is referred by a Jobs Program Specialist to CCA for Child Care Assistance.~~

~~b. The individual is required to contact a local DES Child Care Office to notify CCA of the selection of a provider, and to cooperate with CCA to arrange child care services.~~

~~c. The Child Care service authorization shall be based on the days and hours of the approved Jobs activity as specified by the Jobs Program Specialist in the Jobs referral.~~

~~d. Jobs participants shall receive Child Care Assistance for Jobs approved educational and training activities only. Educational and training activities that are not Jobs approved are not eligible activities for Child Care Assistance for Jobs participants.~~

6. Participation in Grant Diversion:

~~6.7.~~ Unable or ~~Unavailable to Provide~~ unavailable to provide Child Care. ~~Clients who are unable or unavailable to care for their own children for a portion of a 24-hour day are eligible for Child Care Assistance according to the following criteria:~~

a. ~~A Clients~~ Client who ~~are~~ is unable to care for ~~their~~ the Client's own child or children due to a physical, mental, or emotional ~~disability~~ condition is eligible for Child Care Assistance when the diagnosis, inability to care for the Client's child or children, and anticipated recovery date (or the date of the next medical evaluation) ~~have been~~ are verified by a ~~licensed physician, certified psychologist, or certified behavioral health specialist~~ Licensed or Certified Medical Personnel.

~~b. The Department shall authorize Child Care Assistance to cover:~~

~~i. The amount of time the client is unable to care for the child; and~~

~~ii. The amount of time needed for ongoing treatment for the specified condition as verified by the physician, certified psychologist, or certified behavioral health specialist.~~

~~c. Child Care Assistance shall not cover intermittent and routine appointments that are not part of an ongoing treatment plan.~~

~~d.b.~~ ~~Clients~~ A Client participating in a drug rehabilitation program ~~are~~ is eligible for Child Care Assistance to participate in ~~activities as specified by the drug rehabilitation program~~ activities.

~~e.c.~~ ~~Clients~~ A Client participating in a court-ordered community service program ~~are~~ is eligible for Child Care Assistance to support required community service participation ~~as specified~~ ordered by the court.

~~f.d.~~ ~~Clients~~ A Client who ~~are residents~~ is a resident of a ~~homeless or domestic violence shelter~~ Homeless or Domestic Violence Shelter is eligible for Child Care Assistance based on shelter residency; and ~~on~~ verification provided by ~~an authorized~~ a shelter representative ~~at the shelter. Child Care Assistance shall cover:~~

- ~~i. The days and hours that the client is unavailable to provide care to their own child due to participation in shelter-directed activities as verified by an authorized representative of the shelter; and~~
- ~~ii. The days and hours that the client is unable to provide care to the client's own child due to a physical, mental, or emotional disability as verified by a licensed physician, certified psychologist, or a certified behavioral health specialist.~~

~~B. Gaps In Employment:~~

~~Clients receiving Child Care Assistance are eligible for continued assistance during gaps in employment:~~

- ~~1. The Department shall continue Child Care Assistance for each parent, legal guardian, or relative caretaker in the eligible family during no more than two gaps in employment of 30 days in each 12-month period.~~

- ~~2. The Department shall authorize Child Care Assistance during a 30-day gap in employment beginning the day after the last day worked, after the client provides verification of his or her job termination date.~~
- ~~3. Gaps in employment may be consecutive (if requested).~~
 - ~~a. The Department shall continue Child Care Assistance for an additional 30 days upon request of the client, if the client has not already used Child Care Assistance during two gaps in employment in the most recent 12-month period immediately preceding the job termination date.~~
 - ~~b. The second gap in employment shall begin the day after the last day of the first gap in employment.~~
- ~~4. The Department shall continue to authorize the same number of units of Child Care Assistance as previously authorized for the employment activity.~~
- ~~5. The Department shall decrease the client's fee level and copayment under Appendix A, based on the loss of earned income effective the date that terminated employment has been verified, or the day after the last day worked, whichever is the later date.~~
- ~~6. The Department shall end Child Care Assistance during a gap in employment on the 30th day after the client's last day worked, or on the 60th day after the client's last day worked if two consecutive gaps were authorized, unless the client can verify participation in a new eligible activity.~~
- ~~7. When a client fails to report job loss timely as described under R6-5-4911(A)(1), and continues to use Child Care Assistance, the Department shall automatically reduce the~~

~~overpayment period by subtracting any unused gaps in employment in lieu of the corresponding months of overpayment.~~

~~8. Child care utilized during a gap in employment shall count toward the 60 month per child time limit for Child Care Assistance under R6-5-4919.~~

~~9. CPS Referred Families and CPS and DDD Foster Families:~~

~~a. Child Care Assistance shall be provided to families requiring assistance as documented in a CPS case plan, or to children who are in the care, custody, and control of the Department, and who need Child Care Assistance as documented in a foster care case plan.~~

~~b. Eligibility for Child Care Assistance under this provision shall be determined by CPS and DDD on a case by case basis.~~

~~C. Verification of Eligible Activity or Need. The client shall verify eligible activities and needs as requested by the Department. Acceptable verification shall include:~~

~~1. Pay stubs for the most recent 30-day period;~~

~~2. Employer's statement verifying start date, hourly rate of pay, work schedule, and frequency of pay including;~~

~~a. The date of receipt of the first full paycheck if the client is newly employed; and~~

~~b. The last day worked, if the client's employment has terminated.~~

~~3. Quarterly or annual tax statement for the most recent calendar quarter or year to verify self-employment activities;~~

- ~~4. Self-employment log to document self-employment activities and income accompanied by receipts for gross sales and business expenses for the most recent calendar month or quarter;~~
- ~~5. Written verification from an educational institution to verify days and hours of attendance, start and end dates of the activity, educational level, and satisfactory progress;~~
- ~~6. Written verification from a licensed physician, certified psychologist, or certified behavioral health specialist indicating the diagnosis, inability to care for the child, days and hours that child care is needed, and the anticipated recovery date;~~
- ~~7. Written verification from a homeless or domestic violence shelter indicating the days, hours, and duration that child care is needed as prescribed in subsection (A)(6)(f).~~

B. DCS or Tribal child protective services referred families and DCS or Tribal child protective services Foster Families.

1. Child Care Assistance shall be provided to families in a DCS or Tribal child protective services case plan, or to children who are in the care, custody, and control of DCS or Tribal child protective services, and who need Child Care Assistance according to a Foster Care case plan.
2. Eligibility for Child Care Assistance under this provision is determined by DCS or child protective services.

~~R6-5-4911:~~ R6-5-4905. General Eligibility Criteria

A. ~~Applicant and Recipient Responsibility~~ Client responsibility.

1. An ~~applicant~~ Applicant for or ~~recipient~~ Client of Child Care Assistance shall cooperate with the Department as a condition of initial and continuing eligibility. The ~~client~~ Client shall:

- a. ~~Give~~ Provide the Department complete and ~~truthful~~ accurate information;
- b. ~~Within two business days from the date the change becomes known, inform the Department of all changes in:~~
 - i. ~~Income;~~
 - ii. ~~Eligible activities as described in R6-5-4912;~~
 - iii. ~~Work or school schedules;~~
 - iv. ~~Persons moving in or out of the household;~~
 - v. ~~Tax claimants moving in or out of the household;~~
 - vi. ~~Other circumstances affecting eligibility or the amount of assistance authorized;~~

~~and~~ Not withhold any information that may affect eligibility determination; and
- c. Comply with all ~~the Department's procedural requirements~~ requirements outlined in this Article.

2. The Department may deny an ~~application~~ Application for or ~~reduce or terminate assistance;~~ if the ~~client~~ Applicant fails or refuses to cooperate with the Department to determine eligibility.

B. ~~Eligible Applicants~~ Eligibility for Child Care Assistance.

1. ~~In order to be considered an eligible applicant for Child Care Assistance, a client shall reside with the child needing care and shall be~~ An individual may be eligible to receive Child Care Assistance if the individual resides with the child or children for whom assistance is requested and the individual is:
 - a. ~~The parent~~ Parent of the child ~~or children for whom assistance is being requested; or~~
 - b. ~~The caretaker relative related by blood, adoption, or marriage to the child for whom assistance is requested, including a brother, sister, aunt, uncle, first cousin, grandmother, grandfather, and persons of preceding generations as denoted by “grand,” “great,” or “great-great.”~~ Caretaker Relative of the child or children; or
 - c. ~~A court-appointed legal guardian for the child or children for whom assistance is requested, or a person who can provide documentation from the court that the process of legal guardianship has been initiated~~ resides with two different Caretakers intermittently, the Department shall determine the individual who is eligible to apply for Child Care Assistance.
2. When more than one ~~applicant~~ Applicant resides in the home, or the child ~~or children~~ resides with two different ~~caretakers~~ Caretakers intermittently, the Department shall determine the individual who is eligible ~~applicant for~~ to apply for Child Care Assistance, as follows:
 - a. ~~If both the parent and a caretaker relative are in the home, the parent is the eligible applicant;~~
 - b. ~~If both a legal guardian and the parent are in the home, the legal guardian is the eligible applicant;~~

- ~~e. If a caretaker relative whose legal guardianship has been terminated and the parent are both in the home, the parent is the eligible applicant;~~
 - ~~d. When the child resides with a caretaker relative or legal guardian who is acting as caretaker at least 51 percent of the time, and the parent either maintains a separate residence and visits the child intermittently, or resides outside of the child's home for an indefinite period of time, the caretaker relative or legal guardian of the child is the eligible applicant for the child.~~
 - ~~i. An eligible applicant cannot be the noncertified relative provider or certified provider of the child for whom he or she is applying for assistance.~~
 - ~~ii. The Department shall not consider the tax claimant status of the caretaker relative or legal guardian under R6-5-4914(D) with respect to any member of the eligible family.~~
 - ~~e. When the child resides with two or more caretaker relatives, the caretaker relative who will be claiming the child as a dependent for income tax purposes is the eligible applicant for Child Care Assistance.~~
- ~~3. Acceptable verification of guardianship shall include the following court documents:~~
- ~~a. Petition for Temporary Appointment of Guardian (date stamped as received by the court);~~
 - ~~b. Petition for Permanent Appointment of Guardian (date stamped as received by the court);~~
 - ~~e. Order of Appointment of a Temporary Guardian;~~

~~d. Order of Appointment of a Permanent Guardian;~~

~~e. Letters and Acceptance of Permanent Guardianship.~~

~~4.3.~~ If the ~~client~~ Client ~~has not been appointed as a~~ is not the legal guardian when the Department authorizes Child Care Assistance, the ~~client~~ Client shall ~~to~~ continue the ~~legal appointment~~ process ~~for appointment in order~~ to retain eligibility for Child Care Assistance.

~~5. The client shall verify relationship or guardianship status as requested by the Department.~~

C. Arizona ~~Residency~~ residency. The ~~client~~ Client and the child or children for whom ~~assistance~~ Child Care Assistance is requested shall be Arizona residents and the child or children shall be physically present within Arizona at the time Child Care is provided.

D. Age of the ~~Child~~ child. ~~An eligible~~ A child is eligible from birth through 12 years of age ~~only; a child aged 13 or older is ineligible for Child Care Assistance~~ at the time of eligibility determination or re-determination.

E. Citizenship and ~~Legal Residency Requirements~~. Qualified Alien requirements. The child or children receiving Child Care Assistance

~~1. The client shall be a United States citizen or shall be a legal resident~~ a Qualified Alien of the United States at the time of eligibility determination or re-determination.

~~2. The client shall verify citizenship or legal residency status as requested by the Department by providing a birth certificate, naturalization documentation, or alien or immigration registration documentation from the U.S. Immigration and Naturalization Service (INS).~~

F. Eligible Activity or ~~Need~~ need.

1. The ~~client, and any~~ Client and the other ~~parent~~ Parent or ~~responsible person~~ Responsible Person in the household shall ~~be engaged~~ engage in an ~~eligible activity~~, or have Eligible Activity or demonstrate an ~~eligible need~~ Eligible Need for Child Care Assistance as prescribed in R6-5-4912 that causes each ~~client, parent, or responsible person~~ Client, Parent, or Responsible Person to be unavailable to provide care to ~~the~~ each child for whom ~~assistance~~ Child Care Assistance is requested.
2. The Department does not require a ~~tax claimant~~ Tax Claimant to ~~be engaged~~ engage in an ~~eligible activity~~ Eligible Activity, unless the ~~tax claimant~~ Tax Claimant is the other ~~parent~~ Parent of a child or children receiving Child Care ~~Assistance~~ services.

G. Availability of the Client, Parent, and Responsible Person.

1. The Department shall consider the ~~availability~~ Availability of the ~~client~~ Client, ~~and any~~ other ~~parent~~ Parent, or ~~responsible person~~ Responsible Person in the household in determining eligibility and the amount of Child Care Assistance authorized for each individual child needing care.
2. The ~~client, parent, and any other responsible person~~ Client, Parent, and any other Responsible Person in the household shall be unavailable to provide care to the child or children for whom assistance is ~~being~~ requested for a portion of a 24-hour day due to an ~~eligible activity~~ Eligible Activity or need.
3. In a family with more than one ~~parent or responsible person~~ Parent or Responsible Person, the Department shall authorize Child Care Assistance for the ~~period of~~ time that

neither the ~~parent nor the responsible person~~ Parent nor the Responsible Person is available due to an ~~eligible activity~~ Eligible Activity or need.

4. The Department shall not consider the ~~availability~~ Availability of a ~~tax claimant~~ Tax Claimant in determining eligibility or amount of Child Care Assistance ~~authorized~~ Authorized for the ~~client's~~ Client's child or children, unless the ~~tax claimant~~ Tax Claimant is the other ~~parent~~ Parent of a child receiving Child Care ~~Assistance~~ services.

H. ~~Provider Selection and Arrangements~~ Child Care Provider selection and arrangements.

1. ~~The Department shall not authorize Child Care Assistance until the applicant has selected a child care provider. An allowable child care provider for DES Child Care Assistance~~
The Applicant or Client shall select an allowable Child Care Provider. An allowable Child Care Provider for Child Care Assistance shall be:
 - ~~a. Shall be one of the following:~~
 - ~~i.a. A DHS-licensed Child Care Center~~ An ADHS-licensed child care center;
 - ~~ii.b. A DHS-certified group home~~ An ADHS-certified Child Care Group Home;
 - ~~iii.c. A DES-certified family child care home~~ A DES-certified Child Care Provider;
 - ~~iv.d. A DES-certified in home care provider~~ A Noncertified Relative Provider; or
 - ~~v.e. A DES-noncertified relative provider;~~
 - ~~vi. A regulated provider~~ Child Care Provider, meeting requirements established by military installations or federally recognized Indian Tribes.

~~b.2.~~ ~~Shall~~ The Child Care Provider shall have a Child Care Provider registration agreement with the Department.

~~2.3.~~ The Department shall not authorize Child Care Assistance with a ~~noncertified relative provider~~ Noncertified Relative Provider when Child Care Assistance is requested for a ~~CPS DCS or Tribal child protective services~~ referred family; or a ~~CPS or DDD DCS~~ or Tribal child protective services foster family;.

3. The Department shall not authorize Child Care Assistance with a ~~noncertified relative~~ Noncertified Relative Provider or ~~certified provider~~ DES-certified Child Care Provider when:

- a. The ~~relative or certified provider~~ Noncertified Relative Provider or DES-certified Child Care Provider is the natural, step, or adoptive ~~parent~~ Parent of the child or children for whom ~~assistance~~ Child Care Assistance is requested;
- b. Child Care Assistance is requested by a ~~Cash Assistance participant~~ TANF CA Participant and the ~~relative or certified provider~~ Noncertified Relative Provider or DES-certified Child Care Provider is included in the same ~~Cash Assistance~~ TANF CA grant as the ~~child care applicant~~ Child Care Applicant; or
- c. The ~~relative or certified provider~~ Noncertified Relative Provider or DES-certified Child Care Provider is included in ~~family size~~ Family Size, as prescribed in ~~R6-5-4914(D)~~, is the ~~applicant~~ Applicant for Child Care Assistance, or is the ~~applicant's~~ Applicant's spouse.

4. If a Client selects an in-home DES-certified Child Care Provider, the Client shall:

- a. Request Child Care Assistance for two or more eligible children or an eligible child with a disability; and
- b. Allow the Department access to all parts of the Client's home where care is provided when the Department conducts onsite visits to monitor the Child Care Provider.

~~R6-5-4914.~~ R6-5-4906. Income Eligibility and Family Size Criteria

A. Child Care Assistance ~~Without Regard~~ without regard to Income. The Department shall not determine ~~income~~ Income eligibility for Child Care Assistance for ~~the following~~:

1. ~~A Jobs Program Participant; participants who need Child Care Assistance to participate in the Jobs Program, and who are referred to CCA as prescribed in R6-5-4904(B).~~
2. ~~Cash Assistance participants~~ A TANF CA Participant who need needs Child Care Assistance to maintain ~~employment~~ Employment.
3. ~~CPS-referred families, and CPS or DDD foster families who need Child Care Assistance as documented in a CPS or foster care case plan, and who are referred to CCA as prescribed in R6-5-4904(B).~~
3. A DCS or Tribal child protective services referred family; and
4. A DCS or Tribal child protective services foster child or children.

B. Child Care Assistance ~~With Regard~~ with regard to Income. The Department shall determine ~~income~~ Income eligibility for Child Care Assistance for ~~the following~~:

1. ~~Former Cash Assistance participants who need Child Care Assistance to maintain employment as prescribed in R6-5-4916(A).~~ A Client who is transitioning off TANF CA and needs Child Care Assistance to accept or maintain Employment;
2. ~~Clients~~ A Client who ~~are~~ is not ~~Cash Assistance participants~~ a TANF CA Participant, but who ~~need~~ needs Child Care Assistance to accept or maintain ~~employment~~ Employment.

3. ~~Teen parents~~ A Teen Parent who ~~need~~ needs Child Care Assistance for educational activities ~~as prescribed in R6-5-4912(A)(4);~~
4. ~~Clients~~ A Client who ~~need Child Care Assistance because they are~~ is unable or unavailable to care for ~~their~~ the Client's own child or children due to:
 - a. A physical, mental or emotional disability condition;
 - b. ~~participation~~ Participation in a drug treatment or court-ordered community service program; or
 - c. ~~residency in a homeless or domestic violence shelter as prescribed in~~ R6-5-4912(A)(6) Residency in a Homeless or Domestic Violence Shelter.

C. Income ~~Maximum~~ maximum for Child Care Assistance. The Department shall determine ~~income~~ Income eligibility at the Initial Determination by calculating the gross monthly ~~income~~ Income of all family members included in ~~family size~~ Family Size unless otherwise excluded ~~as prescribed in subsections (D), (E), (F), and (H).~~

1. If the gross monthly ~~income~~ Income for the family is equal to or less than ~~+65%~~ 165 percent FPL, the family meets the ~~income~~ Income eligibility requirements for Child Care Assistance.
2. If the gross monthly ~~income~~ Income for the family exceeds ~~+65%~~ 165 percent FPL, the family does not meet the ~~income~~ Income eligibility requirements for Child Care Assistance.
3. When the Department determines the family is Income eligible at Initial Determination, the family shall remain Income eligible at Redetermination as long as the family's gross monthly Income remains at or below 85 percent of the SMI.

D. Family Size ~~Determination~~ determination. The Department shall include the ~~countable income~~ Countable Income of every person included in ~~family-size~~ Family Size for the purpose of determining ~~income~~ Income eligibility as prescribed in this subsection.

1. Family size shall consist of:

- a. The ~~applicant~~ Applicant for Child Care Assistance;
- b. The ~~applicant's~~ Applicant's natural; or adoptive child or children, and ~~step-children~~ stepchild or stepchildren who are less than 18 years of age;
- c. Any other ~~parent~~ Parent or ~~responsible person~~ Responsible Person living in the household who is legally and financially responsible for either the ~~applicant~~ Applicant, or for the child or children needing care;
- d. The child or children of the other ~~parent~~ Parent or ~~responsible person~~ Responsible Person residing in the same household; and
- e. The ~~tax-claimant~~ Tax Claimant ~~under subsection R6-5-4914(D)(3)~~.

2. When a ~~parent~~ Parent applies for Child Care Assistance for a natural, adoptive, or step child or children, the Department shall:

- a. ~~If the applicant and other adult in the household are married, or have children in common who need child care, make~~ Make one family size Family Size determination for the family if the Applicant and other Adult in the household are married or have a child or children in common who need Child Care; and

- b. Count the ~~income~~ Income of both ~~parents~~ Parents.

3. When a ~~tax-claimant~~ Tax Claimant resides in the household with a ~~parent~~ Parent who is applying for or receiving Child Care Assistance, the Department shall include the ~~tax claimant~~ Tax Claimant in ~~family-size~~ Family Size if:

- a. The ~~tax-claimant~~ Tax Claimant states an intention to claim any of the following members of the ~~eligible family~~ Eligible Family residing in the same household as a ~~dependent~~ Dependent on the ~~tax-claimant's~~ Tax Claimant's federal or state ~~income~~ Income tax return for the current calendar year:
 - i. The ~~parent~~ Parent who is the ~~applicant~~ Applicant;
 - ii. The ~~parent's~~ Parent's natural, adoptive, or step child or children less than 18 years of age;
 - iii. The ~~parent's~~ Parent's spouse;
 - iv. The other ~~parent~~ Parent of the child or children for whom assistance is requested, or who are currently receiving Child Care Assistance; or
 - v. The ~~dependent~~ Dependent child or children of the other ~~parent~~ Parent residing in the household, ~~and~~ who are included in ~~family-size~~ Family Size.
 - b. The ~~tax-claimant~~ Tax Claimant signs a declaration stating the intention to claim specific members of the ~~eligible family~~ Eligible Family as ~~tax-dependents~~ Tax Dependents for the current calendar year.
4. The Department shall include the ~~tax-claimant's dependent~~ Tax Claimant's Dependent child or children ~~under~~ less than age 18 and the Tax Claimant's spouse residing in the same household in ~~family-size~~ Family Size.
 5. When the ~~applicant~~ Applicant and ~~his or her~~ the Applicant's spouse ~~are legally married~~ and do not reside in the same household, but have the intention of remaining a family, the Department shall include the spouse in ~~family-size~~ Family Size if the absent spouse is engaged in an ~~eligible activity under R6-5-4912~~ Eligible Activity.

6. When a ~~caretaker relative~~ Caretake Relative applies for Child Care Assistance for ~~another related child~~ an Other Related Child only:
- Family ~~size~~ Size shall consist of the ~~other related child~~ Other Related Child or children only; and
 - The Department shall exclude both the ~~caretaker relative~~ Caretake Relative and ~~his or her~~ the Caretaker Relative's spouse from the ~~family size~~ Family Size determination.
7. When the ~~applicant~~ Applicant applies for Child Care Assistance for a natural, adoptive, or step ~~child or~~ children, and also for ~~another related child~~ an Other Related Child or children, the Department shall make one ~~family size~~ Family Size determination for the family:
- Family size shall consist of the ~~applicant~~ Applicant, the ~~applicant's~~ Applicant's child, any other related ~~eligible children~~ Eligible Children who need care, and any other ~~parent~~ Parent or ~~responsible person~~ Responsible Person in the household.
 - Any ~~income~~ Income received by or for an ~~"other related" child~~ Other Related Child less than 13 years of age shall be counted if Child Care is being requested for the child.
 - If there is another ~~relative~~ Adult in the household who states an intention to claim an ~~other related child~~ Other Related Child as a ~~dependent~~ Dependent for ~~income~~ Income tax purposes, ~~this tax claimant must~~ the Tax Claimant shall be the ~~applicant~~ Applicant for the ~~child~~ Other Related Child. The Department shall determine ~~family size~~ Family Size separately for ~~this child under R6-5-4914(D)(6)~~ the Other Related Child.

8. When an ~~unwed minor parent~~ Unwed Minor Parent applies for Child Care Assistance for ~~his or her~~ the Unwed Minor Parent's own child or children, and resides with ~~his or her~~ parents ~~the Unwed Minor Parent's Parents~~parents:
- a. The Department shall only include the ~~following~~ Unwed Minor Parent and the Unwed Minor Parent's child or children in ~~family size~~ Family Size, unless the ~~minor parent or the minor parent's children~~ Unwed Minor Parent or the Unwed Minor Parent's child or children are ~~tax dependents~~ Tax Dependents, ~~as described under subsection (d) below:~~
 - i. ~~The minor parent; and~~
 - ii. ~~The minor parent's child.~~
 - b. The Department shall not include the parents Parents and siblings of the ~~unwed minor parent~~ Unwed Minor Parent in ~~family size~~ Family Size.
 - c. The Department shall deem a portion of the monthly gross ~~countable income~~ Countable Income received by the ~~parent~~ Parent or Parents of the ~~minor parent~~ Unwed Minor Parent to be available to meet the needs of the ~~unwed minor parent~~ Unwed Minor Parent and ~~his or her~~ the Unwed Minor Parent's child or children ~~as described in this subsection~~, unless the ~~parent~~ Parent of the ~~minor parent~~ Unwed Minor Parent is a ~~tax claimant~~ Tax Claimant, ~~under subsection (d) below:~~ using the following methodology:

- i. The Department shall calculate the monthly gross ~~countable income~~ Countable Income of the ~~parents~~ Parent or Parents of the ~~unwed minor parent~~ Unwed Minor Parent;
 - ii. The Department shall subtract the amount of monthly gross ~~countable income~~ Countable Income that equates to ~~165%~~ 165 percent FPL ~~as specified in Appendix A in the current Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule, available on the Department's website, for the~~ number of ~~parents~~ Parents and siblings of the ~~unwed minor parent~~ Unwed Minor Parent residing in the same household only; and
 - iii. The Department shall count the remaining monthly gross ~~countable income~~ Countable Income received by the ~~parents~~ Parent or Parents of the ~~unwed minor parent~~ Unwed Minor Parent as available to meet the needs of the ~~unwed minor parent~~ Unwed Minor Parent and ~~unwed minor parent~~ the Unwed Minor Parent's ~~child or children in the income~~ Income eligibility determination.
- d. If a ~~parent~~ Parent of the ~~minor parent~~ Unwed Minor Parent is a ~~tax claimant~~ Tax Claimant who intends to claim the ~~minor parent~~ Unwed Minor Parent or the ~~minor parent's~~ Unwed Minor Parent's ~~child or children~~ as a ~~tax dependent~~ Tax Dependent, the Department shall determine ~~family size~~ Family Size as follows:
- i. The Department shall include the ~~tax claimant~~ Tax Claimant, the ~~tax claimant's~~ Tax Claimant's spouse, and the ~~tax claimant's dependent~~ Tax Claimant's ~~Dependent child or children~~ residing in the same household in ~~family size~~ Family

Size with the minor parent Unwed Minor Parent and the Unwed Minor Parent's
~~and his or her child~~ child or children; and

- ii. The Department shall count all ~~countable income~~ Countable Income received by
the ~~tax claimant~~ Tax Claimant and the ~~tax claimant's~~ Tax Claimant's spouse in the
~~income~~ Income eligibility determination.

~~9. When a married, separated, widowed, or divorced minor parent applies for Child Care
Assistance for his or her own children:~~

- ~~a. The Department shall include the minor parent and his or her own dependent children
in family size;~~
- ~~b. The Department shall include monthly gross countable income received by the minor
parent and the other parent or responsible person residing in the home in the income
eligibility determination;~~
- ~~c. The Department shall not consider income received by the parent of the minor parent
in the income eligibility determination, unless the parent of the minor parent is a tax
claimant, under subsection (8)(d); and~~
- ~~d. The Department shall not include parents and siblings of the minor parent in family
size, unless the parent of the minor parent is a tax claimant, under subsection (8)(d).~~

~~10.2.~~ If a ~~tax claimant~~ Tax Claimant included in ~~family size~~ Family Size is also a ~~parent~~
Parent who needs Child Care Assistance for ~~his or her~~ Tax Claimant's own child or

~~children, the tax-claimant~~ Tax Claimant shall submit a separate ~~application~~ Application to the Department.

- a. The Department shall make a separate eligibility and ~~family-size~~ Family Size determination for the ~~tax-claimant's dependent~~ Tax Claimant's Dependent child or children less than age 18.
- b. The Department shall include the ~~parent~~ Parent, Parent's spouse or other ~~parent~~ Parent or ~~responsible person~~ Responsible Person, and ~~their dependent~~ any Dependent child or children in ~~family-size~~ Family Size .

~~44-10.~~ When a ~~guardian~~ Legal Guardian applies for Child Care Assistance for a child in guardianship only, the Department shall:

- a. Make one ~~family-size~~ Family Size determination for the child in guardianship.
- b. Include all children in guardianship who are less than 13 years of age who need Child Care in ~~family-size~~ Family Size.
- c. Exclude the ~~guardian~~ Legal Guardian, ~~and the guardian's~~ Legal Guardian's spouse, and the ~~guardian's~~ Legal Guardian's own child or children from ~~family-size~~ Family Size.
- d. Count the ~~income~~ Income received by or for the children in guardianship.
- e. If the ~~parent~~ Parent of the child or children needing care is also in the household, the Department shall not include the ~~parent~~ Parent in ~~family-size~~ Family Size and shall not count ~~his or her income~~ the Parent's Income.

~~12.11.~~ When the ~~applicant~~ Applicant applies for Child Care Assistance for a natural, step, or adoptive child or children in addition to the child or children in guardianship, the Department shall:

- a. Make one ~~family-size~~ Family Size determination.
- b. Include in ~~family-size~~ Family Size the applicant Applicant, the ~~applicant's~~ Applicant's child or children, the child or children in guardianship who are less than 13 years of age who need care, and any other ~~parent~~ Parent or ~~responsible person~~ Responsible Person in the household.
- c. Count the ~~applicant's~~ Applicant's and other ~~parent's~~ Parent's or ~~responsible person's~~ Responsible Person's income; Responsible Person's Income; and
- d. Count the ~~income~~ Income received by or for the child or children in guardianship who are less than 13 years of age who need Child Care.

~~13.12.~~ When a ~~foster parent~~ Foster Parent applies for Child Care Assistance for ~~his or her~~ the Foster Parent's own child or children:

- a. The Department shall include the ~~applicant~~ Applicant, other ~~parent~~ Parent or ~~responsible person~~ Responsible Person, and ~~their~~ the Applicant's, other Parent's or Responsible Person's children in ~~family-size~~ Family Size; and
- b. The Department shall not include the foster child in ~~family-size~~ Family Size unless the foster child is a ~~relative~~ grandchild, great-grandchild, sibling of the whole or half blood, stepbrother, stepsister, niece, nephew, or first cousin.

~~E. Verification of Tax Claimant Status~~

- ~~1. The Department shall verify tax claimant status as described in R6-5-4914(D) by requiring:~~
 - ~~a. The client to submit a signed and dated declaration stating that no relative 18 years of age or older residing in the same household intends to claim any member of the eligible family as a tax dependent for the current calendar year; or,~~
 - ~~b. The client and the relative 18 years of age or older residing in the same household who intends to claim a member of the eligible family as a tax dependent for the current calendar year to:~~
 - ~~i. Submit a signed and dated declaration stating that fact; and,~~
 - ~~ii. State the name of the family member whom the relative intends to claim as a tax dependent.~~
- ~~2. The Department shall include the tax claimant, his or her spouse, and dependent children in family size upon receipt of the signed declaration.~~
- ~~3. If the tax claimant no longer intends to claim a member of the eligible family as a tax dependent, the client must sign and date a new declaration.~~
 - ~~a. The new declaration shall specify that the tax claimant no longer intends to claim a member of the eligible family as a tax dependent.~~
 - ~~b. The Department shall remove the tax claimant, tax claimant's spouse, and his or her dependent children from family size after receipt of the signed declaration.~~

F.E. Countable Income. The Department shall count the gross monthly ~~income~~ Income of a family, ~~which as prescribed in subsection (D); countable income~~ shall include:

1. Gross earnings received for ~~work~~ Employment, including:

a. ~~wages~~, Wages;

b. ~~salary~~, Salary;

c. ~~armed~~ Armed forces pay, with the exception of specifically designated allotments for food and shelter costs;

d. ~~commissions~~, Commissions;

e. ~~tips~~, Tips;

f. ~~overtime~~, Overtime;

g. ~~piece-rate~~ Piece-rate payments; and

h. ~~cash~~ Cash bonuses earned, before any deductions;

2. Net ~~income~~ Income from ~~non-farm self-employment~~ Self-employment, including gross receipts minus a 40 percent standard or actual deduction for allowable business expenses as verified by receipts. Gross receipts include the value of all goods sold and services rendered. ~~Business expenses include costs of goods and services purchased or produced, rent, heat, light, power, depreciation charges, wages, and salaries paid, business taxes, and other expenses incurred in operating the business. The value of salable merchandise consumed by the proprietors of retail stores is not included as part of net income.~~

~~Payments on loans or mortgages obtained to increase capital investments in property or equipment are not allowed as deductible expenses.~~

- ~~3. Net income from farm self-employment which includes gross receipts minus operating expenses. Gross receipts include the value of all products sold, government crop loans, money received from the rental of farm equipment to others, and incidental receipts from the sale of wood, sand, gravel, and similar items. Operating expenses include costs of feed, fertilizer, seed, and other farming supplies, wages paid to farmhands, depreciation charges, cash rent, interest on farm mortgages, farm building repairs, farm taxes, and other expenses incurred in operation of the farm. The value of fuel, food, or other farm products used for family living is not included as part of net income. Payments on loans or mortgages obtained to increase capital investments in property or equipment are not allowed as deductible expenses.~~

- ~~4.3.~~ Social Security payments prior to deductions for medical insurance including Social Security benefits, ~~and~~ “survivors” benefits, and permanent disability insurance payments made by the Social Security Administration.;

- ~~5.4.~~ Railroad retirement insurance ~~income~~ Income.;

- ~~6.5.~~ Dividends, including:

~~a. interest~~ Interest on savings, stocks and bonds.;

~~b. income~~ Income and receipts from estates or trusts.;

~~c. net~~ Net rental income Income or royalties.;

- d. ~~receipts~~ Receipts from boarders or lodgers, ~~(net~~ Net income received from furnishing room and board shall be ~~1/3~~ one-third of the total amount charged);
- and
- e. Interest on Series H. United States Government Savings bonds;
- 6. Advances or draws from a company, corporation, or business partnership;
- 7. Advances, draws, loans from a sole proprietorship to the owner or owner's spouse, or from a limited liability company to the managing member or managing member's spouse;
- 7.8. Mortgage payments received, which shall be prorated on a monthly basis;
- 8.9. Public assistance payments including payments from ~~the following programs:~~
- a. ~~Cash Assistance~~ TANF CA,
- b. Supplemental Security Income ~~(SSI)~~,
- c. State Supplementary Payments ~~(SSP)~~, ~~General Assistance (GA)~~,
- d. Bureau of Indian Affairs General Assistance ~~(BIAGA)~~, and
- e. Tuberculosis Control ~~(TC)~~;
- 9.10. Pensions and annuities, including pensions or retirement benefits paid to a retired person or ~~their~~ the retired person's survivors by a former employer or by a union, or distributions or withdrawals from an individual retirement account;

- ~~10-11.~~ Unemployment Insurance payments, including compensation received from government unemployment insurance agencies or private companies during periods of unemployment, and any strike benefits received from union funds;
- ~~11-12.~~ Workers' ~~compensation~~ Compensation payments.
- ~~12-13.~~ Money received from the ~~Domestic Volunteer Act~~ AmeriCorps Program when the adjusted hourly payment is equal to or greater than Arizona minimum wage; ~~Action Volunteer Programs include VISTA, Foster Grandparent Program (FGP), Retired Senior Volunteer Program (RSVP), and Senior Companion Program (SCP).~~
- ~~13-14.~~ ~~Alimony~~ Current alimony or spousal maintenance, which shall be counted the month received;
- ~~14-15.~~ ~~Child~~ Current child support payments, which shall be counted the month received;
- ~~15-16.~~ Veterans' pensions, including benefits and disability payments paid periodically by the Veterans Administration to members of the Armed Forces or to a survivor of deceased veterans;
- ~~16-17.~~ Cash gifts received on a monthly or recurring basis from ~~relatives, other individuals, and private organizations~~ another individual or private organization, as a direct payment in the form of money;
- ~~17-18.~~ Money received through the lottery, sweepstakes, contests, or through gambling ventures, whether received on an annuity or lump sum basis; and

~~18.~~19. Any other source of ~~income~~ Income not specifically excluded ~~in subsection (F)~~ as described in R6-5-4906(F).

G.F. Excluded Income. The Department shall exclude the ~~items listed in this subsection~~ following when determining a family's gross monthly ~~income~~ Income.

1. Per capita payments to or funds held in trust for any individual in satisfaction of a judgment of the Indian Claims Commission, ~~or the~~ United States Court of Federal Claims, ~~or the United States Court of Appeals~~;

~~2.~~ Payments made pursuant to the Claims Resolution Act of 2010, 42 U.S.C. 1305, and sanctioned by the Cobell Settlement to address mismanagement of Native American trust assets;

~~2.~~3. Payments made pursuant to the Alaska Native Claims Settlement Act of 1971, 43 U.S.C. 1601, to the extent such payments are exempt from taxation under Section 21(a) of the Act;

~~3.~~4. Money or capital gains received as a lump sum; from the sale of personal or real property, such as stocks, bonds, or a car, (unless the person was engaged in the business of selling such property, in which case the net proceeds ~~would be~~ are counted as ~~income~~ Income from ~~self-employment~~) Self-employment;

~~4.~~5. Withdrawals of bank deposits;

~~5-6.~~ Loans; in which money borrowed from a third party when the loan is documented with a promissory note or loan agreement stipulating specific repayment terms, interest rate, and the recourse that will be taken against the borrower for default;

~~6-7.~~ Tax refunds;

~~7-8.~~ Any monies received through ~~the federal Earned Income Credit (EIC)~~ EITC;

~~8-9.~~ One-time lump sum awards or benefits, including:

a. Inherited funds;

b. Insurance awards;

c. Damages recovered in a civil suit;

d. Monies contributed by a client Client to a retirement fund that are later withdrawn prior to actual retirement; ~~and~~

e. Retroactive public assistance payments;

f. Grant Diversion Cash Assistance payments; and

g. Child support arrearages and lump sum payments including late monthly support payments that were intended for a prior month;

10. Child support interest and fees paid by the non-custodial Parent;

~~9-11.~~ The value of ~~U.S. Department of Agriculture (USDA) Food Stamps~~ USDA Supplemental Nutrition Assistance Program benefits;

~~10-12.~~ The value of USDA-donated food;

- ~~11-13.~~ The value of any supplemental food assistance received under the Child Nutrition Act of 1966, 42 U.S.C. 1771, the Summer Food Service Program for Children, 42 U.S.C. 1761, the USDA Women, Infant and Children Program, 42 U.S.C. 1786, the USDA Child and Adult Care Food Program, 42 U.S.C. 1766, and ~~special food service program for children~~ the National School Lunch Program under the National School Lunch Act, 42 U.S.C. 1751 ~~the Women, Infant, and Children Program (WIC), Child and Adult Care Food Program (C.A.C.F.P.), and the School Lunch Program;~~
- ~~12-14.~~ Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ~~(for example, Navajo/Hopi Relocation Act)~~, 42 U.S.C. 4601;
- ~~13-15.~~ Earnings of a child who is ~~under the~~ less than age of 18 and attending ~~high~~ school or other training program, and who is not a ~~minor parent~~ Minor Parent who needs Child Care Assistance for ~~his or her~~ the Minor Parent's own child;
- ~~14-16.~~ ~~Home~~ The value of home produce used for household consumption;
- ~~15-17.~~ Government-sponsored training program expenses, ~~(TRE payments)~~ such as including training-related expenses paid to ~~JOBS participants~~ a Jobs Program Participant and ~~Job Training Partnership Act (JTPA)~~ Workforce Innovation and Opportunity Act, 29 U.S.C. 3101 training expenses paid directly to the ~~client~~ Client;
- ~~16-18.~~ The value of goods or services received in exchange for ~~work~~ Work;
- ~~17-19.~~ Interest on Series E, United States Government Savings bonds;

- ~~18-20.~~ Foster-care Care maintenance payments received for care of a foster child or children;
21. Guardianship subsidy payments made to permanent Legal Guardians for a child or children residing in the home;
- ~~19-22.~~ Adoption subsidy payments received for the care of an adopted child or children;
- ~~20-23.~~ Educational loans, grants, awards, ~~and~~ scholarships, and fellowships regardless of ~~their~~ the source, including Pell Grants, Supplemental Educational Opportunity Grants (SEOG), Bureau of Indian Affairs (~~BIA~~) Student Assistance Grants, college ~~work-study~~ income Work-study Income, Carl D. Perkins Vocational and Applied Technology Education Act of 2006, 20 U.S.C 2301 ~~income~~ Income, and any other state or local, public; or private educational loans, grants, awards, and scholarships, and fellowships;
- ~~21-24.~~ Money received from the ~~Domestic Volunteer Act~~ AmeriCorps Program when the adjusted hourly payment is less than Arizona minimum wage; ~~Action Volunteer Programs include VISTA, Foster Grandparent Program (FGP), Retired Senior Volunteer Program (RSVP), and Senior Companion Program (SCP);~~
- ~~22-25.~~ Housing and Urban Development-~~(HUD)~~ benefits, cash allowances, and credits against rent;
- ~~23-26.~~ Vendor payments, including payments made directly to a third party by ~~friends, relatives, charities, or agencies~~ another individual, charity, or agency to pay the Client's bills ~~for the client~~;

~~24.27.~~ Vocational Rehabilitation training-related expenses (~~TRE~~) ~~which are reimbursements for expenses paid~~, including Subsistence subsistence and maintenance allowances; and incentive payments not designated as wages;

28. Reimbursements for Employment related expenses, which are less than or equal to the actual expense incurred;

~~25.29.~~ Disaster relief funds and emergency assistance provided under the Federal Disaster Relief Act, 42 U.S.C. 5121, and comparable assistance provided by a state or local government, or disaster assistance organization;

~~26.30.~~ Energy assistance, including all state or federal benefits designated as “energy assistance” or assistance from a municipal utility or non-profit agency;

31. The monthly amount of Social Security benefits, Veteran’s benefits, or any other countable cash or public assistance benefit that has been deducted from the gross monthly benefit for the purposes of repaying an Overpayment;

~~27.32.~~ Agent Orange payments; and

~~28.33.~~ Any other ~~income~~ Income specifically excluded by applicable state or federal law.

H.G. ~~Income Deduction~~ deduction. Child support that is paid for ~~dependents~~ a current or former Dependent ~~who do not reside in the same household with the eligible family~~ shall be deducted from the monthly gross ~~countable income~~ Countable Income prior to ~~income calculation and fee level and copayment assignment as prescribed in subsection (I) and R6-5-4915.~~

~~I. Income Calculation. The Department shall calculate monthly income as prescribed in this subsection.~~

~~1. The Department shall include all income of all family members included in the family-size determination, other than income excluded as prescribed in R6-5-4914(F) in the determination of income eligibility.~~

~~2. The Department shall calculate a monthly figure for each source of income separately with the appropriate method used for calculation.~~

~~3. After calculating monthly income for each source of income, the Department shall add the monthly amounts from each source to obtain the total monthly income.~~

~~4. The Department shall convert income received less often than monthly to a monthly figure as provided in this subsection.~~

~~a. The Department shall prorate the total income over the number of months that the income is intended to cover.~~

~~b. If the income is received on or after the date of application, a monthly share of income shall be considered beginning with its earliest possible effective date and for a number of months equal to the number of months which the income covers.~~

~~e. If the family receives the income prior to the date of application, the number of months that the income is intended to cover shall be equal to the number of months of coverage remaining.~~

- ~~5. The Department shall anticipate income for a current or future month based on the averaged income received in the most recent 30-day period, unless the Department receives new information that indicates that the income has changed, as verified under subsection (J).~~
- ~~a. If the income received by the household has increased due to receipt of a new source of income, an increased work schedule, or a raise in salary or wages, the Department shall calculate the gross monthly countable income for the household based on the amount of income anticipated to be received on a monthly basis. The Department shall begin counting the new or increased income as described under subsection (6).~~
- ~~b. If the income received by the household has decreased due to loss of a source of income, a decreased work schedule, or a reduction in salary or wages, the Department shall cease counting the income effective the date that the client provides verification of the loss or reduction in income.~~
- ~~6. When a family receives a new or increased income source that will be received monthly, weekly, bi-weekly, or semi-monthly:~~
- ~~a. The income shall not be considered available to the family until the date that the first full payment is received.~~
- ~~b. The Department shall not assess a new fee level or ineligibility to the client until the monies are available.~~
- ~~c. Once the client has already received the payment that includes the new or increased income source, and a higher fee level or ineligibility results:~~

- ~~i. The Department shall increase the fee level or terminate assistance no earlier than 10 days after the first full paycheck has been received; and~~
 - ~~ii. The Department shall send a 10-day negative action notice prior to increasing the fee level or terminating assistance.~~
- ~~7. The Department shall convert income received more often than monthly, for a period covering less than a month, to a monthly amount by one of the methods listed below:~~
 - ~~a. If the income amount does not vary and is received monthly, weekly, bi-weekly, or semi-monthly, the conversion to a monthly amount will be obtained by multiplying the pay period amount by:~~
 - ~~i. 1, if monthly;~~
 - ~~ii. 4.3, if weekly;~~
 - ~~iii. 2.15, if bi-weekly; or~~
 - ~~iv. 2, if semi-monthly.~~
 - ~~b. This amount shall be applied as income on an ongoing monthly basis until there is a change in the income.~~
 - ~~c. If the monthly income received varies in amount and frequency, and exact monthly figures are unavailable, the Department shall use an average monthly figure.~~
- ~~8. When the Department calculates the gross monthly income for the family, the whole dollar amount only shall be used to determine income eligibility, and fee level and~~

~~copayment assignment; any amount that is a fraction of a whole dollar shall be rounded down to the next whole dollar.~~

~~**J. Verification of Income.** The client shall verify income by providing written documentation of income as requested by the Department such as:~~

- ~~1. Pay stubs for the most recent calendar month, or for any month of potential overpayment;~~
- ~~2. Employer's statement verifying work schedule, hourly rate of pay, and frequency of pay;~~
- ~~3. Benefit award statements for the most recent benefit period;~~
- ~~4. Statements of account to verify interest income;~~
- ~~5. Quarterly or annual tax returns for the most recent quarter or year for self-employment income;~~
- ~~6. Self-employment log accompanied by gross sales receipts and business expense receipts for the most recent calendar month or quarter; and~~
- ~~7. Other written documentation from the source of the income indicating the amount of income received, source of income, frequency received, and naming the payee.~~

H. Fluctuation in earnings. When an Applicant or a Client receives irregular Income, the Department shall calculate Income as described in this subsection. The Department shall use the average Income from the period of three months immediately preceding:

1. The date of Application for all Initial Determination and Redetermination Applications;
or
2. The date of a change in Income during the 12-month eligibility period.

~~R6-5-4906.~~ R6-5-4907. Verification of Eligibility Information

A. The Department shall obtain independent verification or corroboration of information provided by the ~~client~~ Client when required by law, or when ~~it is~~ necessary to determine eligibility, fee level and copayment assignment, or service authorization amount.

~~B. The Department may verify or corroborate information by any reasonable means including:~~

- ~~1. Contacting third parties such as employers and educational institutions;~~
- ~~2. Asking the client to provide written documentation such as pay stubs or school schedules;~~
~~and~~
- ~~3. Conducting a computer data match through other Department programs' computer systems.~~

~~C.B.~~ A Client is responsible for providing all required verification. The Department shall ~~offer to assist a client~~ assist a Client who ~~has difficulty in obtaining the verification and requests help.~~

~~D.C.~~ A ~~client~~ Client shall provide the Department with all requested verification within ~~40 calendar days~~ ten Days from the ~~notice date~~ Notice Date of a written request ~~for such information or within 30 Days of the Application File Date; whichever is later.~~ When a ~~client~~ Client does not ~~timely~~ timely comply with a request for information within the allotted time frames, the Department shall ~~deny~~ Deny the ~~application~~ Application ~~as provided in R6-5-4908(B).~~

D. A Client shall provide verification of eligible activities and needs as requested by the Department. Acceptable verification includes:

1. Most recent pay stub;
2. Employer's statement verifying start date, hourly rate of pay, Work schedule, and frequency of pay;

3. Annual tax return for the most recent calendar year, to verify Self-employment activities;
4. Self-employment log to document Self-employment activities and Income, accompanied by receipts for gross sales and business expenses for the most recent six months;
5. Written verification from an education institution to verify days and hours of attendance, start and end dates of the activity, educational level, and satisfactory progress;
6. Written verification from Licensed or Certified Medical Personnel;
7. Written verification from a Homeless or Domestic Violence Shelter indicating the days, hours, and duration that Child Care is needed; and
8. Any other information requested by the Department.

E. A Client shall provide verification of Tax Claimant status, as requested by the Department.

1. The Department shall verify Tax Claimant status by requiring:
 - a. The Client to submit a signed and dated declaration stating that no Adult residing in the same household intends to claim any member of the Eligible Family as a Tax Dependent for the current calendar year; or
 - b. The Client and the Adult, who reside in the same household, who intend to claim a member of the Eligible Family as a Tax Dependent for the current calendar year, to sign and submit the Department form, to include:
 - i. A dated declaration stating that fact; and
 - ii. The name of the family member whom the Tax Claimant intends to claim as a Tax Dependent.
2. The Department shall include the Tax Claimant, the Tax Claimant's spouse, and Dependent child or children in Family Size upon receipt of the signed Department form.

3. If the Tax Claimant no longer intends to claim a member of the Eligible Family as a Tax Dependent, the Client shall sign and date a new Department form.
 - a. The new Department form shall specify that the Tax Claimant no longer intends to claim a member of the Eligible Family as a Tax Dependent.
 - b. The Department shall remove the Tax Claimant, Tax Claimant's spouse, and the Tax Claimant's Dependent child or children from Family Size after receipt of the signed Department form.

F. The Client shall provide documentation of Income requested by the Department such as:

1. Pay stubs;
2. Employer's statement verifying Work schedule, hourly rate of pay, and frequency of pay;
3. Benefit award statements for the most recent benefit period;
4. Statements of account to verify interest Income;
5. Tax returns for the most recent year for Self-employment Income;
6. Self-employment log accompanied by gross sales receipts and business expense receipts;
and
7. Other written documentation from the source of the Income indicating the amount of Income received, source of Income, frequency received, and naming the payee.

~~R6-5-4916:~~ R6-5-4908. ~~Special~~ TANF-related Eligibility Criteria

- A. Transitional Child Care. A Client who is transitioning off of TANF CA received in Arizona, who needs Child Care Assistance to accept or maintain Employment, and who is otherwise eligible, shall apply for Child Care Assistance within six months after the TANF CA case closure date, and may receive up to 24 months of Transitional Child Care Assistance.

- ~~1. Former Cash Assistance participants who are attempting to achieve independence from the Cash Assistance program, who need Child Care Assistance for employment, and who are otherwise eligible shall receive up to 24 months of Transitional Child Care Assistance.~~
- ~~2. The former Cash Assistance participant shall have received Cash Assistance in Arizona in at least one month and shall apply for Child Care Assistance within six months after the Cash Assistance case closure date.~~
- ~~3. The former Cash Assistance participant and any other parent or responsible person in the household shall need Child Care Assistance to maintain employment.~~
- ~~4. The most recent Cash Assistance case closure shall not have been due to a sanction for Jobs or Child Support noncompliance, and the Cash Assistance participant shall not have been sanctioned due to intentional program violation (IPV) at the time of the most recent Cash Assistance case closure.~~

B. ~~Cash Assistance~~ Grant Diversion Participants.

- ~~1. Applicants for Cash Assistance who are diverted from long-term Cash Assistance TANF CA through the ~~Cash Assistance~~ Grant Diversion program shall be:~~
 - ~~1. treated Treated as ~~Cash Assistance participants~~ TANF CA Participants during the three-month period that the ~~Cash Assistance~~ Grant Diversion payment covers period;~~and
 - ~~2. ~~Cash Assistance~~ Diversion participants shall be eligible Eligible for Child Care Assistance for ~~employment~~ Employment activities without regard to ~~income~~ Income as~~

~~prescribed in R6-5-4914(A) during the three-month Diversion period~~ Grant Diversion Period.

~~3. Cash Assistance Diversion participants shall be eligible for Child Care Assistance for job search activities during the three-month Diversion period.~~

~~4. Cash Assistance Diversion participants shall be eligible for Transitional Child Care after the three-month Diversion period if the income eligibility requirements in R6-5-4914(B) and the TCC requirements in subsection (A) of this provision are met.~~

~~R6-5-4913: R6-5-4909.~~ ~~Applicants and Recipients~~ Clients as Child Care Providers

A. The ~~client~~ for Child Care Assistance Client may also be the ~~child care provider~~ Child Care Provider for any child for whom assistance is requested when:

1. The ~~client works~~ Client Works for, but is not the ~~DES contracted party~~ one of the following for the provision of Child Care ~~Assistance;~~ services:

a. The DES-contracted party;

b. Any of the persons listed in the DES contract;

c. The spouse of any of the persons described in the subsections above.

2. The ~~client~~ Client receives monetary compensation for ~~work~~ Work performed as a ~~child care provider~~ Child Care Provider;

3. The ~~client~~ Client cares for other unrelated children; for whom ~~client~~ Client does not receive Child Care Assistance, as well as for the child for whom the ~~client~~ Client has applied for Child Care Assistance; and

4. The ~~client~~ Client is unavailable to provide ~~care~~ Child Care to the child for whom assistance is requested. When the ~~client~~ Client is also the ~~child-care provider~~ Child Care Provider, this is defined as:

- a. There is no “not for compensation” slot available for the child; and
- b. Caring for the child as well as for the other children for whom the ~~child-care provider~~ Child Care Provider receives compensation, would exceed the Adult-to-child ratio per state certification or licensing standards ~~pursuant to A.R.S. § 36-897.01 and 6 A.A.C. 5, Article 52.~~

B. ~~If there is no “not for compensation” slot available for the child, and other eligibility criteria described in this Article are met, the client for Child Care Assistance may also be the child care provider for the child for whom assistance is requested. If caring for the Child Care Provider's own children puts the Child Care Provider applying for Child Care Assistance out of compliance with the state mandated Adult-to-child ratio, the Child Care Provider may receive Child Care Assistance to take the children to another Child Care Provider. The Child Care Provider shall meet all other Eligibility Criteria described in this Article to be eligible for Child Care Assistance.~~

~~R6-5-4907. R6-5-4910.~~ Withdrawal of an Application

A. An ~~applicant~~ Applicant may withdraw an ~~application~~ Application at any time prior to ~~its~~ the Application's disposition by providing the Department with a written request for withdrawal signed by the ~~applicant~~ Applicant.

B. If an ~~applicant~~ Applicant makes an oral request to withdraw an ~~application~~ Application:

1. The Department shall accept the oral request, provide the ~~applicant~~ Applicant with a written withdrawal form, and request that the ~~applicant~~ Applicant complete the form and return it to the Department. The Department shall inform the ~~applicant~~ Applicant of the consequences of not returning the withdrawal form within ~~10 days~~ ten Days of the ~~notice date~~ Notice Date.
 2. If the ~~applicant~~ Applicant fails to return the completed withdrawal form, the Department shall ~~deny~~ Deny the ~~application~~ Application ~~for failure to~~ because the Applicant did not provide information unless the ~~applicant~~ Applicant rescinds the oral withdrawal request within ~~10 days~~ ten Days of the date the Department provides the ~~applicant~~ Applicant a withdrawal form.
- C. A withdrawal is effective as of the ~~application file date~~ Application File Date unless the ~~applicant~~ Applicant specifies a different date on the withdrawal form.
- ~~D. An application that has been withdrawn shall not be reinstated. The Department shall not~~
~~reinstate an Application that has been withdrawn by an Applicant.~~; an applicant
- E. An Applicant who wants to reapply for Child Care Assistance and who has withdrawn an
application Application shall reapply anew complete and submit a new Application to the
Department.

~~R6-5-4908: R6-5-4911.~~ Child Care Assistance ~~Approvals and Denials~~ Approval, Denial, and Termination

- A. The Department shall complete the eligibility determination within 30 ~~calendar days~~ Days of the ~~application file date or referral receipt date~~ Application File Date or Referral Receipt Date, unless:

1. The ~~application~~ Application or referral is withdrawn;
2. The ~~application or referral is rendered moot because the applicant has died~~ Applicant is deceased or cannot be located; or
3. There is a delay resulting from a Department request for additional verification information ~~as provided in R6-5-4906(D).~~ In this case, the Department shall allow a Client ten Days from the Notice Date to submit the requested information.

B. The Department shall approve eligibility for Child Care Assistance effective on the Application File Date or Referral Receipt Date if the Client satisfies all applicable conditions of eligibility as prescribed in this Article.

~~B.C.~~ The Department shall deny Child Care Assistance when the ~~applicant fails to:~~ Applicant does not satisfy one or more Eligibility Criteria prescribed in this Article.

- ~~1. Complete the application and an eligibility interview, as described in R6-5-4905;~~
- ~~2. Submit all required verification information within 10 days of the notice date of a written request for verification, or within 30 days of the application file date whichever is later;~~
or
- ~~3. Cooperate during the eligibility determination process as required by R6-5-4911(A).~~

~~C.~~ ~~When an applicant satisfies all eligibility criteria, the Department shall determine the service authorization amount, the fee level and copayment amount (if applicable), approve Child Care Assistance, and send the applicant an approval notice. The approval notice shall include~~

~~the amount of assistance, fee level and copayment information, and an explanation of the applicant's appeal rights.~~

D. The Department shall terminate Child Care Assistance and provide written notification when the Client:

1. Or all children receiving Child Care service are no longer residents of the state of Arizona;
2. Has Income that exceeds 85 percent of the SMI;
3. Does not have an Eligible Need, and is not engaged in an Eligible Activity;
4. Is available for Child Care for the children for whom assistance is requested, or there is another Parent or Responsible Person in the household who is not engaged in an Eligible Activity and is available to provide care;
5. Requests that assistance be terminated;
6. Is a member of a family that already has an active case for Child Care Assistance;
7. Has not paid the required copayments to a Child Care Provider and has not made satisfactory arrangements for the payments;
8. Cannot be located, and the Client has not utilized a Child Care Provider for 15 consecutive Days or more without any notification to the Department or Child Care Provider;
9. Is deceased;
10. Is incarcerated or confined to an institution;
11. Has exhausted the Time Limit for all children in the Eligible Family; or
12. Commits substantiated fraud or an IPV that invalidates prior eligibility determinations.

~~R6-5-4917:~~ R6-5-4912. _____ **Waiting List for Child Care Assistance**

A. ~~Implementation of a~~ Waiting List implementation ~~for Child Care Assistance.~~

1. The Department may implement a ~~waiting list~~ Waiting List for Child Care Assistance ~~whenever it~~ when the Department determines that sufficient funding is not available ~~to sustain benefits for all of the applicants~~ Applicants requesting assistance.

a. ~~The Department may implement a waiting list for all applicants under subsection (B);~~
~~or;~~

b. ~~The Department may implement a partial waiting list and prioritize access to Child Care Assistance for applicants based on income under subsection (D).~~

~~2. When the waiting list is in effect, the Department shall place applicants determined to be eligible for Child Care Assistance on the waiting list under this subsection, and shall not authorize Child Care Assistance until the Department determines that sufficient funding is available.~~

2. The Department shall place Applicants determined to be eligible for Child Care Assistance on the Waiting List, including individuals who are reapplying for Child Care Assistance following case closure and shall not authorize Child Care Assistance until sufficient funding is available.

B. Applicants ~~Who Are Subject To~~ subject to the Waiting List. ~~When the waiting list is in effect, the~~ The Department shall place ~~applicants~~ the following Applicants who are determined ~~to be~~ eligible for Child Care Assistance on the ~~waiting list~~ Waiting List; ~~including individuals who are reapplying for Child Care Assistance following case closure. The Department shall place the following applicants on the waiting list:~~

1. Applicants who are not ~~Cash Assistance participants~~ TANF CA Participants or who are not eligible for Transitional Child Care, but who need Child Care Assistance to maintain employment under R6-5-4912(A) Employment.
 2. Teen ~~parents~~ Parents who need Child Care Assistance for educational activities ~~under R6-5-4912(D)~~.
 3. Applicants who need Child Care Assistance because ~~they~~ the Applicants are unable or unavailable to care for ~~their~~ the Applicants' own children due to physical, mental, or emotional ~~disability~~ condition, or participation in a drug treatment program or court-ordered community service program, ~~or residency in a homeless or domestic violence shelter under R6-5-4912(F)~~.
- C. Applicants ~~Who Are Not Subject To~~ not subject to the Waiting List. ~~When the waiting list is in effect, the~~ The Department shall not place the following ~~applicants~~ Applicants determined eligible for Child Care Assistance on the ~~waiting list~~ Waiting List, and ~~shall proceed to~~ authorize Child Care Assistance; ~~under R6-5-4918~~.
1. Jobs ~~participants~~ Program Participants who need Child Care Assistance to participate in the Jobs Program, and who are referred to ~~CCA-DCC under R6-5-4904(B)~~.
 2. ~~Cash Assistance participants~~ TANF CA Participants who need Child Care Assistance to maintain employment under R6-5-4904(B) Employment.
 3. ~~CPS-referred families, and CPS or DDD~~ DCS or Tribal child protective services referred families, and DCS or Tribal child protective services foster families who need Child Care

Assistance as documented in a ~~CPS or foster care~~ DCS or Tribal child protective services or Foster Care case plan, and who are referred to ~~CCA-DCC under R6-5-4904(B)~~.

4. ~~Former Cash Assistance participants~~ Applicants who are transitioning off of TANF CA and who need Child Care Assistance to maintain employment under R6-5-4916(A) Employment, who are determined eligible for Transitional Child Care.

D. Prioritization of Applicants ~~for Child Care Assistance When on the Waiting List Is In Effect.~~

The Department shall prioritize ~~applicants~~ eligible Applicants for ~~authorization of~~ Child Care Assistance ~~when the waiting list is in effect~~ on the Waiting List under this subsection.

1. Prioritization Based On Income.

- a. Families with gross monthly ~~incomes~~ Incomes at or below 100% of the ~~Federal Poverty Level (FPL)~~ receive the highest priority ~~for assistance~~;
- b. The Department shall prioritize the remainder of ~~families applying for Child Care Assistance when the waiting list is in effect~~ Waiting List in the following order:
 - i. Families with gross monthly ~~incomes~~ Incomes between ~~101% FPL and 110% FPL~~ 101 percent of the FPL and 110 percent of the FPL;
 - ii. Families with gross monthly ~~incomes~~ Incomes between ~~111% FPL and 120% FPL~~ 111 percent of the FPL and 120 percent of the FPL;
 - iii. Families with gross monthly ~~incomes~~ Incomes between ~~121% FPL and 130% FPL~~ 121 percent of the FPL and 130 percent of the FPL;

- iv. Families with gross monthly ~~incomes~~ Incomes between ~~131% FPL and 140% FPL~~ 131 percent of the FPL and 140 percent of the FPL;
 - v. Families with gross monthly ~~incomes~~ Incomes between ~~141% FPL and 150% FPL~~ 141 percent of the FPL and 150 percent of the FPL;
 - vi. Families with gross monthly ~~incomes~~ Incomes between ~~151% FPL and 160% FPL~~ 151 percent of the FPL and 160 percent of the FP;
 - vii. Families with gross monthly ~~incomes~~ Incomes between ~~161% FPL and 165% FPL~~ 161 percent of the FPL and 85 percent of the SMI;
2. Prioritization Based On Application Date. The Department shall place ~~clients~~ Clients ~~determined~~ eligible for Child Care Assistance on the ~~waiting list~~ Waiting List effective on the date that the Department receives an ~~identifiable application, under R6-5-4904(A)(2)~~ Application.

E. ~~Cooperation Requirement for Clients on the Waiting List.~~ Client cooperation requirement.

- 1. ~~Clients~~ Each Client shall ~~cooperate with the Department to maintain eligibility~~ comply with the eligibility requirements outlined in this Article while on the ~~waiting list, under R6-5-4911(A)~~ Waiting List.
- 2. If the family's household income changes, the client shall notify the Department of the ~~change in income within 2 workdays.~~ an increase occurs in a family's household Income that exceeds 85 percent of the SMI, the Client shall notify the Department of the change within 10 Business Days.

3. If someone moves in or out of the household, the ~~client is required to~~ Client shall notify the Department within ~~2 workdays~~ 10 Business Days.
4. The Department shall recalculate gross household ~~income~~ Income and notify the ~~client~~ Client of any ~~changes~~ change in priority status ~~described under subsection (D)~~ based on the change in ~~income or family size~~ Income or Family Size.

~~F. Loss of Employment While On the Waiting List~~

~~:~~

- ~~1. If the parent or caretaker of the child loses employment while on the waiting list, the family may remain on the waiting list without an eligible activity.~~
- ~~2. When the Department selects the family for release from the waiting list under subsection (H), the Department shall require the parent or caretaker of the child to verify participation in an eligible activity under R6-5-4912 before the Department authorizes the family to receive Child Care Assistance.~~

F. Loss of Eligible Activity.

1. If the Caretaker of the child loses the Eligible Activity while on the Waiting List, the ~~family~~ Eligible Family may remain on the Waiting List without an Eligible Activity.
2. When the Department selects a ~~family~~ Eligible Family from the Waiting List, the Department shall require the Caretaker of the child to verify participation in an Eligible Activity before the Department authorizes the ~~family~~ Eligible Family to receive Child Care Assistance.

G. ~~Determination of Ineligibility While On the Waiting List~~ determination.

:

1. If the ~~family~~ Eligible Family becomes ineligible for Child Care Assistance while on the ~~waiting list~~ Waiting List, or during ~~release~~ selection from the ~~waiting list under subsection (J)~~ Waiting List, the Department shall remove the ~~client~~ Client from the ~~waiting list~~ Waiting List and close the case.
2. The ~~client~~ Client shall submit a new ~~application~~ Application and verify eligibility for Child Care Assistance ~~in order~~ to be added back onto the ~~list~~ Waiting List effective on the new ~~application~~ Application date.

H. ~~Selection from the Waiting List~~ selection.

1. The Department shall select ~~clients~~ a Client for ~~release~~ from the ~~waiting list~~ Waiting List within each level of ~~income~~ Income priority ~~as described under subsection (D)~~, and in ~~application~~ Application date order.
2. When the Department ~~notifies the client that he or she is being released~~ selects a Client from the ~~waiting list~~ Waiting List, the Department may require the ~~client~~ Client to verify ~~income, employment,~~ Income, Employment, other household circumstances, or ~~provider~~ Child Care Provider selection ~~prior to being authorized for Child Care Assistance when~~ the Client reports changes to Income, Employment, or other household circumstances.

I. ~~Clients Determined Eligible Upon Selection for Release~~ determined eligible upon selection from the Waiting List.

1. The Department shall authorize Child Care Assistance effective on a date specified by the Department ~~based on the availability of funding, after the client has submitted any requested verification and after the Department has determined~~ determines that the ~~family~~ Eligible Family remains eligible for Child Care Assistance.
 2. ~~If the client is eligible for Child Care Assistance, the~~ The Department shall ~~authorize Child Care Assistance, and shall~~ notify the ~~client~~ Client in writing regarding:
 - a. The start date of Child Care Assistance;
 - b. The amount of assistance ~~authorized~~ Authorized for each child ~~under R6-5-4918~~; and
 - c. The assigned ~~fee level and~~ copayment for each child.
- J.** ~~Clients Determined Ineligible Upon Selection for Release~~ determined ineligible for Child Care Assistance upon selection from the Waiting List.
1. If the ~~client~~ Client is not eligible for Child Care Assistance ~~as described in R6-5-4920~~, the Department shall notify the client regarding ineligibility ~~under R6-5-4921~~.
 2. The Department shall require the ~~client~~ Client to submit a new ~~application~~ Application and verify eligibility for Child Care Assistance ~~in order~~ to be added back onto the ~~list~~ Waiting List effective on the new application date, ~~if a waiting list remains in effect~~.
- K.** ~~Clients Selected for Release from the Waiting List in Error.~~ determined ineligible for selection from the Waiting List.
1. ~~If the Department determines that a client was not eligible for selection from the waiting list, and the waiting list remains in effect, the Department shall proceed as described~~

~~under this subsection. If the Department discovers that the Client has unreported changes in Income, Employment, or other household circumstances that made the Client ineligible for release, the Department shall reinstate the Client on the Waiting List without authorizing Child Care Assistance effective the existing Application date.~~

- ~~2. If the Department determines that the client is currently at a lower level of priority for assistance under subsection (D)(1) due to a previously unreported change in income or family size, the Department shall not authorize Child Care Assistance.~~
- ~~3. The Department shall ~~reinstate~~ notify the client Client ~~on the waiting list~~ effective the existing application date; and,~~
- ~~4. Notify the family in writing of reinstatement to the ~~waiting list~~ Waiting List and the Client's newly assigned level of priority.~~

~~R6-5-4915.~~ R6-5-4913. Fee Level and Copayment Assignment

A. The Department shall annually review the sliding fee schedule and the formula for determining both eligibility and copays for Child Care Assistance, according to A.R.S. §§ 46-803 and 46-805(D).

1. The Department shall adjust the sliding fee schedule when applicable based on the FPL and the Arizona SMI, which is based on data published by the U.S. Census Bureau and available on their website.
2. The formula used to convert FPL and SMI data for each fee level is as follows:
 - a. Fee Level 1 is any amount equal to or less than 85 percent of the FPL.
 - b. Fee Level 2 is any amount above Level 1, but equal to or less than 100 percent of the FPL.

- c. Fee Level 3 is any amount above Level 2, but equal to or less than 135 percent of the FPL.
- d. Fee Level 4 is any amount above Level 3, but equal to or less than 145 percent of the FPL.
- e. Fee Level 5 is any amount above Level 4, but equal to or less than 155 percent of the FPL.
- f. Fee Level 6 is any amount above Level 5, but equal to or less than 165 percent of the FPL.
- g. Fee Level 7 is any amount above Level 6, but equal to or less than 85 percent of the SMI.

3. The Department shall post the current sliding fee schedule and formula on the Department's website.

A.B. The Department shall assign a fee level to ~~the family~~ a Client based on ~~family size~~ Family Size and monthly gross ~~countable income~~, as specified in ~~Appendix A~~ Countable Income.

B.C. The Department shall assign an individual minimum required copayment ~~amounts~~ amount for each child in ~~the family~~ an Eligible Family based on the fee level assignment; and the number of children needing care, ~~as specified in Appendix A~~.

C.D. The Department shall not assign a fee level or minimum required copayment to ~~a Jobs participants~~ Program Participant, ~~Cash Assistance participants~~ a TANF CA Participant who ~~need~~ needs Child Care Assistance for ~~employment~~ Employment, or ~~families~~ a family ~~determined eligible~~ and referred by ~~CPS or DDD~~ DCS or Tribal child protective services.

~~D.E.~~ When a ~~client~~ Client fails to pay the DES-required copayment; or fails to make a satisfactory ~~arrangements~~ arrangement for payment of the DES-required copayment with a ~~child care provider~~ Child Care Provider, the ~~client~~ Client ~~is~~ shall be ineligible for Child Care Assistance.

~~E.E.~~ When the Department ~~has determined~~ determines that ~~an client~~ a Client is ineligible for Child Care Assistance due to nonpayment of the copayment, the ~~client is~~ Client shall be ineligible for any Child Care Assistance program that requires a copayment until ~~past due copayments have been~~ past due copayment is paid; or until a satisfactory arrangement ~~have been~~ for payment is made with the ~~provider for payment~~ Child Care Provider.

G. All payments made to a Child Care Provider for past due copayments after the nonpayment report date shall be applied to the past due copayment balance before being applied to any other charges.

~~R6-5-4918:~~ R6-5-4914. Authorization of Child Care Assistance

A. Authorization ~~Based~~ based on Eligible Activity or ~~Need~~ need. The Department shall authorize Child Care Assistance for a portion of each 24-hour day based on the verified ~~eligible activity~~ Eligible Activity or need of the ~~parent and responsible person for the child needing care~~ Client and any other Parent or Responsible Person.

B. Authorization Based on ~~Unavailability~~ unavailability. The ~~amount of Child Care Assistance authorized by the Department shall~~ authorize Child Care Assistance ~~be~~ based on the amount of time ~~that the client~~ Client and any other ~~parent or responsible person~~ Parent or Responsible Person in the household are unavailable or incapable ~~to provide~~ of providing care to ~~their own~~ the children in the care of the Client, Parent, or any other Responsible

~~Person due to an eligible activity~~ Eligible Activity ~~or need as prescribed in R6-5-4911(F) and R6-5-4912. When there are two or more parents or responsible persons in the household, Child Care Assistance shall be authorized for the amount of time that neither parent or responsible person is available due to an eligible activity or need.~~

C. Authorization for Self-employment ~~Activities~~ activities.

~~1. The Department shall authorize Child Care Assistance for self-employment~~
Self-employment activities based on monthly net ~~income~~ Income divided by the current hourly Arizona minimum wage standard.

~~2. Authorization of Child Care Assistance for self-employment activities shall not exceed the lesser of:~~

- ~~a. The maximum number of Child Care Assistance units that can be authorized as prescribed in subsections (B) and (D), or~~
- ~~b. The number of hours calculated by dividing monthly net income from self-employment by the amount of the hourly minimum wage standard, or~~
- ~~c. The number of hours of Child Care Assistance needed by the client to perform self employment activities.~~

D. Six-child ~~Authorization Limit~~ authorization limit.

1. The Department shall authorize no more than six children in the ~~eligible family~~ Eligible Family at any ~~given point in~~ time.

- ~~a. The six-child authorization limit applies to; clients under this subsection.~~

- i. ~~Clients~~ A Client who ~~are~~ is not ~~Cash Assistance participants but who need Child Care Assistance to maintain employment~~ a TANF CA Participant;
 - ii. ~~A Teen parents who need Child Care Assistance for educational activities under R6-5-4912(D)~~ Parent; and
 - iii. ~~Clients~~ A Client who ~~need~~ needs Child Care Assistance because ~~they are~~ the Client is unable or unavailable to care for ~~their~~ the Client's own child or children due to a physical, mental, or emotional disability condition, participation in a drug treatment program or court-ordered community service program, or residency in a homeless or domestic violence shelter under R6-5-4912(F) Homeless or Domestic Violence Shelter.
- b. The six-child authorization limit ~~shall~~ does not apply to ~~the following clients~~:
- i. ~~A Jobs participants~~ Program Participant who ~~need Child Care Assistance to participate in the Jobs Program, and who are referred to CCA under R6-5-4904(B)~~;
 - ii. ~~Cash Assistance participants~~ A TANF CA Participant who ~~need Child Care Assistance to maintain employment~~;
 - iii. ~~CPS~~ A DCS or Tribal child protective services referred ~~families~~ family, and ~~CPS or DDD~~ DCS or Tribal child protective services foster ~~families~~ family who ~~need~~ needs Child Care Assistance as documented in a ~~CPS or foster care~~ DCS or Foster Care case plan, and who ~~are~~ is referred to ~~CCA~~ DCC under R6-5-4904(B); and

- iv. ~~Former Cash Assistance participants~~ A former TANF CA Participant who ~~need~~ needs Child Care Assistance to accept or maintain employment ~~Employment~~ under R6-5-4916(A) and who is eligible for Transitional Child Care.
- e. ~~For eligible families who are not subject to the six-child limit, there is no limit to the number of eligible children whom the Department can authorize to receive Child Care Assistance in the eligible family.~~
2. If ~~the eligible family~~ an Eligible Family requests Child Care Assistance for more than six children, the ~~family~~ Eligible Family shall select the six children to ~~be authorized to~~ receive Child Care Assistance.
3. If ~~the family~~ an Eligible Family fails to ~~designate~~ select six children to receive Child Care Assistance ~~as requested~~, the Department shall authorize Child Care Assistance for the six youngest children in the Eligible Family.
4. If ~~the client~~ a Client is ~~already~~ receiving Child Care Assistance for six children and requests ~~assistance~~ Child Care Assistance for a new child, the Department shall not authorize assistance for the new child ~~until~~ unless the ~~client~~ Client notifies the Department which ~~child~~ of the other children in the Eligible Family will no longer receive Child Care Assistance.

~~E. Units of Child Care Assistance.~~

1. ~~The Department shall authorize Child Care Assistance in full- and part-day units;~~

- ~~2. The Department shall not authorize more than 31 units for each child, per child care provider in a calendar month;~~
- ~~3. A part-day unit of Child Care Assistance is less than six hours;~~
- ~~4. A full-day unit of Child Care Assistance is six hours or more;~~
- ~~5. Each child care provider determines the upper limit of what constitutes a full day of care for that provider.~~

~~F. Date of Eligibility. The Department shall approve eligibility for Child Care Assistance effective the application file date or referral receipt date as described in R6-5-4904 if the client satisfies all applicable conditions of eligibility as prescribed in this Article.~~

G.E. ~~Date of Authorization date.~~

1. The Department shall authorize Child Care Assistance to begin effective on the start date of the ~~eligible activity~~ Eligible Activity or need, but not earlier than ~~application file date, request date, or referral receipt date as described in R6-5-4904~~ the Application File Date, Referral Receipt Date, or other date requested by the Client.
2. The Department may authorize Child Care Assistance with an effective date that precedes the ~~referral receipt date~~ Referral Receipt Date when the referral is ~~received untimely due to administrative delay~~ delayed and the eligible start date of the ~~activity~~ Eligible Activity or need precedes the ~~referral receipt date~~ Referral Receipt Date for clients who are referred for Child Care Assistance as described in R6-5-4904 (B).

H.F. Exclusion from ~~Authorization~~ authorization. The Department shall not authorize Child Care Assistance for ~~educational services for children enrolled in grades + one~~ through 12 ~~when such services are provided during the regular school day.~~

~~R6-5-4919; R6-5-4915.~~ Time Limit for Child Care Assistance

~~Under A.R.S. § 46-803(K), each child shall receive time-limited Child Care Assistance, unless the child's parents or caretakers qualify for an extension under this Section.~~

A. ~~Clients Who Are Subject To~~ subject to the Time Limit.

1. ~~Clients who are not Cash Assistance participants~~ A Client who is not a TANF CA Participant but who need Child Care Assistance to maintain employment;
2. ~~A Teen parents who need Child Care Assistance for educational activities under R6-5-4912(D) Parent; and~~
3. ~~Clients~~ A Client who ~~need~~ needs Child Care Assistance because ~~they are~~ the Client is unable or unavailable to care for ~~their~~ the Client's own child or children due to physical, mental, or emotional ~~disability~~ condition, participation in a drug treatment program or court-ordered community service program, or residency in a ~~homeless or domestic violence shelter under R6-5-4912(F)~~ Homeless or Domestic Violence Shelter.

B. ~~Clients Who Are Not Subject To~~ not subject to the Time Limit.

1. ~~A Jobs participants who need Child Care Assistance to participate in the Jobs Program, and who are referred to CCA under R6-5-4904(B)~~ Program Participant;

2. ~~Cash Assistance participants who need Child Care Assistance to maintain employment~~ A TANF CA Participant;
3. ~~CPS-A DCS or Tribal child protective services~~ referred ~~families~~ family, and ~~CPS or DDD~~ DCS or Tribal child protective services foster ~~families~~ family who ~~need~~ needs Child Care Assistance as documented in a ~~CPS or foster care~~ DCS or Foster Care case plan, and who ~~are~~ is referred to ~~CCA-DCC under R6-5-4904(B);~~ and
4. ~~Former Cash Assistance participants who need Child Care Assistance to maintain employment under R6-5-4916(A)~~ A Client who is transitioning off of TANF CA.

C. ~~Effective Date of the Time Limit.~~

~~The 60-month time limit shall begin:~~

1. ~~For applicants of Child Care Assistance eligible under any of the categories listed in subsection (A) who file an application on or after January 1, 2007, on the date the application is received by the Department.~~
2. ~~For clients receiving Child Care Assistance on January 1, 2007 under subsection (A), January 1, 2007.~~
3. ~~For clients receiving Child Care Assistance on January 1, 2007 under subsection (B), the first date that the Department determines that the existing client is eligible for Child Care Assistance under one of the categories described in subsection (A).~~

~~D. Calculation of the Time Limit~~ calculation.

1. Each child receiving Child Care Assistance under ~~subsection (A)~~ R6-5-4915(A) shall receive time-limited ~~assistance for~~ Child Care Assistance that spans 60 cumulative calendar months.
 - a. ~~Any combination of 1380 paid full or part day child care units; or~~
 - b. ~~Child Care Assistance that spans 60 calendar months, whichever is later. A calendar month is one in which the Department pays for at least one full or part day unit.~~
2. Any ~~unit of~~ assistance used by the child, ~~and~~ that is later identified as a ~~provider~~ Child Care Provider or agency-caused ~~overpayment~~ Overpayment shall not count toward the child's ~~time limit~~ Time Limit.
3. Any ~~unit of~~ assistance used by the child, ~~and~~ that is later identified as a ~~client-caused~~ Client-caused ~~overpayment~~ Overpayment shall not count toward the child's ~~time limit~~ Time Limit if the ~~family~~ Client repays the ~~overpayment~~ Overpayment.
4. The Department shall apply the ~~time limit~~ Time Limit individually to each child in the ~~family~~ Eligible Family, and not to the ~~parent or caretaker~~ Caretaker of the child.
 - a. If a different ~~caretaker~~ Caretaker applies for Child Care Assistance for the child at a later point in time, each child ~~will be~~ is entitled to the remaining unused portion of time-limited Child Care Assistance ~~that has not yet been utilized~~.
 - b. Any Child Care Assistance ~~utilized~~ used by the child as part of an ~~eligible family~~ Eligible Family that was exempt from the ~~time limit~~ Time Limit under ~~subsection (B)~~ R6-5-4915(B) shall not count toward the child's ~~time limit~~ Time Limit.

~~E.D.~~ Expiration of the Time Limit expiration.

1. When a child exhausts time-limited ~~of~~ Child Care Assistance under this subsection, the Department shall stop assistance for the child unless the ~~parents or caretakers of the child~~ child's Caretaker or Caretakers qualify for an extension ~~under Section (F)~~.
2. When all of the children in ~~a family~~ an Eligible Family ~~have exhausted~~ exhaust the ~~time limits~~ Time Limit of Child Care Assistance, the Department shall terminate assistance for the ~~family~~ Eligible Family unless the ~~parents or caretakers~~ Caretaker or Caretakers:
 - a. Qualify for an extension ~~under subsection (F)~~; or;
 - b. Are no longer subject to the ~~time limit~~ Time Limit ~~as described in subsection (B)~~.

~~F.~~ Extension of the Time Limit for Child Care Assistance extension.

1. The Department ~~shall~~ may grant a ~~6-month~~ 12-month extension ~~to~~ of the time limit if the ~~parents or caretakers~~ Caretaker or Caretakers show ~~efforts~~ an effort toward self-sufficiency during the most recent ~~6-month~~ six-month period. ~~The Department may elect to grant extensions on a 12-month basis. In order to~~ To qualify for an extension, the ~~parents or caretakers~~ Caretaker or Caretakers ~~in the family~~ shall:
 - a. ~~Currently be engaged in an activity that promotes self-sufficiency, which means the~~ parents or caretakers continue to:
 - i. Be employed a monthly average of 20 or more hours per week;
 - ii. Be employed less than 20 hours per week and earning at least Arizona minimum wage;

- ~~iii.c.~~ Be employed a monthly average of at least 20 hours per week while attending school or training;
 - ~~iv.d.~~ Remain self-employed with a net profit equating to a monthly average of 20 hours per week times Arizona minimum wage;
 - ~~v.~~ ~~Attend high school, G.E.D. classes, or remedial education for the attainment of a high school diploma for a teen parent under 20 years of age;~~
 - ~~vi.e.~~ Follow the treatment plan prescribed by ~~a physician, psychiatrist, psychologist~~ Licensed or Certified Medical Personnel for the treatment of a ~~specified mental,~~ physical, mental, or emotional condition, which precludes the ~~parent or caretaker~~ Caretaker for caring for ~~his or her~~ the Caretaker's own child or children for a portion of a 24-hour day;
 - ~~vii.f.~~ Participate in a ~~drug/alcohol~~ drug or alcohol rehabilitation ~~plan~~ program or court-ordered community service plan; ~~or~~
 - ~~viii.g.~~ Participate in a homeless or domestic violence case plan while residing in a ~~shelter~~ Homeless or Domestic Violence Shelter; ~~and~~, or
 - h. For a teen Parent, attend high school, GED, or HSE Diploma preparation classes, or remedial education to attain a high school diploma or High School Equivalency Diploma; and
2. If the Caretaker or Caretakers meet the specified conditions and all Eligibility Criteria at the end of each extension period, the Eligible Family may qualify for an additional 12-month of Child Care Assistance.

R6-5-4916. Change Reporting Requirements

A. A Client shall notify the Department of any changes within 10 Business Days from the date the change becomes known including changes in:

- 1. Residential address;**
- 2. Mailing address;**
- 3. Income that may result in exceeding 85 percent of the SMI;**
- 4. Eligible activities;**
- 5. Child Care Provider;**
- 6. Persons moving in or out of the household; and**
- 7. Other circumstances affecting eligibility status for Child Care Assistance.**

B. Upon the Department's request, a Client shall furnish any additional information necessary, after the Client reports a change or when a change is discovered from another source, in order to verify the Eligible Family's eligibility status for Child Care Assistance.

C. The Department shall verify the Client's Income and eligibility factors that have changed or are subject to change.

- 1. If the Income received by the household has changed, the Department shall verify the change and apply the changed Income amount effective the date verified.**
- 2. When an Eligible Family receives a new or increased Income source to be received monthly, weekly, bi-weekly, or semi-monthly:**
 - a. The Income shall be considered available to the Eligible Family immediately for determining eligibility or prioritization on a Waiting List; and**
 - b. The Department shall calculate what the Eligible Family's ongoing gross monthly Income will be, based on the appropriate method as described in this section, and**

shall not delay in counting a full month's calculated the Eligible Family's gross monthly Income.

D. Temporary cessation of an Eligible Activity. Clients receiving Child Care Assistance are eligible for continued assistance for a limited time following a loss of an Eligible Activity.

1. The temporary cessation of an Eligible Activity period shall be effective the Day after a Client or other Responsible Person loses an Eligible Activity;
2. The temporary cessation of an Eligible Activity period shall end either:
 - a. On the Day a Client verifies participation in an Eligible Activity for both the Client and other Responsible Person; or
 - b. At the end of the third month following the cessation of an Eligible Activity, not counting the month in which a cessation began.
3. During the temporary cessation of an Eligible Activity period, the Department shall:
 - a. Authorize the same amount of Child Care Assistance as previously Authorized for the prior Eligible Activity;
 - b. Decrease the Client's fee level and copayment, if necessary, based on the change of Income effective the date that terminated Employment or reduced earnings are verified, or the Day after the last Day Worked, whichever is later; and
 - c. Terminate Child Care Assistance at the end of the temporary cessation of an Eligible Activity period unless the Client and any other Parent or Responsible Person are able to verify participation in a new Eligible Activity.

R6-5-4909. R6-5-4917. ~~12-month Review~~ Twelve-month Redetermination

- A. The Department shall complete a ~~review~~ Redetermination of all eligibility factors for each ~~client~~ Client ~~at least once~~ no more than once every 12 months, beginning with the 12th month following the first month of Child Care Assistance eligibility.
- B. The Department may elect to ~~review~~ verify specific eligibility factors that have changed or are subject to change more frequently than every 12 months when a program violation is suspected.
- C. At least 30 days prior to the 12-month ~~review~~ Redetermination date, the Department shall ~~mail~~ provide the ~~client~~ Client a notice advising of the need for a ~~review~~ Redetermination, and the requirement to submit a completed ~~review application~~ Redetermination Application and verification of ~~income~~ current Income and other eligibility factors ~~for the most recent calendar month~~.
- D. ~~In response to such notice, the client~~ The Client shall ~~mail or deliver~~ submit to the Department a completed ~~review application~~ Redetermination Application and verification by the date provided on the notice.
- E. The Department shall verify the ~~client's income~~ Client's Income and any eligibility factors that have changed or are subject to change.
1. If the gross monthly Income for the family is equal to or less than 85 percent of the SMI, the family meets the 12-month Redetermination Income eligibility requirements for Child Care Assistance.

2. If the gross monthly Income for the family exceeds 85 percent of the SMI, the family no longer meets the 12-month Redetermination Income eligibility requirements for Child Care Assistance.

3. If a Client or other Responsible Person's Eligible Activity is a full-time educational or training activity as specified at R6-5-4904(A)(3) and who is receiving full-time Child Care Assistance, the family meets the 12-month Redetermination Eligible Activity requirement for Child Care Assistance.

F. ~~The Department shall terminate Child Care Assistance effective the review date and deny the review application if the client:~~ upon the expiration of the current eligibility period if the Client fails to submit the Redetermination Application or the requested verification prior to the expiration of the current eligibility period.

~~1. Fails to submit the review application by the review date, or~~

~~2. Fails to submit requested verification by the review date as required by the Department for a redetermination of eligibility.~~

~~G. If the client submits the review application and required verification within 30 days after the review date, the Department shall not require the client to appear for an intake interview and shall approve Child Care Assistance effective the date that the application and verification were received if other eligibility criteria are met.~~

G. The Department may conduct an interview prior to the Redetermination decision.

~~R6-5-4921. R6-5-4918.~~ Notification Requirements

A. The Department shall ~~mail or deliver written notice to the client as follows~~ notify the Client in writing:

1. ~~On a decision about an application, within~~ Within 30 calendar days ~~Days~~ of the date that the Department receives the completed application ~~Application File Date on an Application decision.~~
 2. ~~On a positive action, the Department shall mail adequate notice on~~ On or before the date the action ~~will become~~ becomes effective.
 3. ~~On a change in the amount of authorized units based on a change in need, the Department shall mail adequate notice on or before the date the action will become effective.~~
 4. ~~On a negative action, the Department shall mail the notice at least 10 calendar days in advance of the date the action will become effective.~~
 5. ~~On changes in law or policy which affect entire classes or groups and concern issues not related to individual questions of fact, the Department shall issue notice of such action at least 10 calendar days in advance of the effective date of the action.~~
3. At least 10 Days prior to the date the action becomes effective on:
- a. A Negative Action prior to the 12-month Redetermination; or
 - b. A change in law, policy, or termination of assistance that affects entire classes or groups, and concerns issues not related to an individual question of fact.

B. The Department ~~shall not provide notice on a negative action~~ is not required to notify the Client on a Negative Action when:

1. Child Care Assistance ~~authorized~~ Authorized for a specified period of time is terminated and the individual was informed in writing of the termination date when the Child Care Assistance was initiated;
2. The ~~applicant, client, or~~ Applicant, Client, or child is deceased; ~~and or~~
3. There is a loss of contact with the ~~client~~ Client and mail ~~addressed~~ sent to the last known address ~~has been~~ was returned to the Department as undeliverable.

C. Written notice shall include a statement of the action to be taken, the reasons for the ~~intended~~ action, citation to the specific rule or statute supporting the action, and an explanation of the ~~client's~~ Client's ~~rights regarding a right to~~ request for a ~~fair~~ hearing.

~~R6-5-4910.~~ R6-5-4919. Reinstatement of Child Care Assistance

~~A. If the Department has terminated Child Care Assistance, the Department shall not reinstate assistance unless the client files a new application.~~

~~B.A.~~ ~~Notwithstanding subsection (A), the~~ The Department shall reinstate assistance within ~~10 calendar days~~ ten Days when:

1. Termination was due to Department error; ~~the~~ The Department shall reinstate assistance effective the ~~date~~ Day following the ~~date of termination~~ date;

2. The Department receives a court order or administrative hearing decision mandating reinstatement; ~~the~~ The Department shall reinstate assistance effective the date prescribed by the court order or hearing decision; or
3. The ~~recipient~~ Client files a ~~request for a fair hearing~~ Request for Hearing within ~~10 days~~ ten Days of the ~~notice date of the termination notice~~ termination Notice Date and requests that assistance ~~be continued~~ continue pending the outcome of ~~an~~ the appeal;
 - a. ~~the~~ The Department shall reinstate assistance effective the ~~date~~ Day following the ~~date of termination date~~.
 - b. A Client may be liable for Overpayment of Child Care Assistance provided if the outcome of an appeal is in favor of the Department.

R6-5-4920. Denial or Termination of Child Care Assistance Repealed

~~The Department shall deny or terminate Child Care Assistance and provide written notification as prescribed in R6-5-4921 when the client:~~

- ~~1. Is not an eligible applicant as prescribed in R6-5-4911(B);~~
- ~~2. Is not a U.S. citizen or legal resident of the U.S.;~~
- ~~3. Is not a resident of the state of Arizona;~~
- ~~4. Has no children under the age of 13;~~
- ~~5. Has income that exceeds the maximum allowable as prescribed in R6-5-4914(C);~~
- ~~6. Does not have an eligible need, and is not engaged in an eligible activity as prescribed in R6-5-4912;~~
- ~~7. Is available to care for the children for whom assistance is requested (or there is another parent or responsible person in the household who is not engaged in an eligible activity and is available to provide care);~~

- ~~8. Has not provided the information or documentation required for a determination or redetermination of eligibility;~~
- ~~9. Has failed to cooperate in the arrangement of child care services;~~
- ~~10. Has not selected a child care provider who is registered with the Department;~~
- ~~11. Has requested that the application be withdrawn or that assistance be terminated;~~
- ~~12. Is a member of a family that already has an active case or pending application on file for Child Care Assistance;~~
- ~~13. Cannot be located by phone or mail and mail addressed to last known address has been returned;~~
- ~~14. Is deceased, incarcerated, or confined to an institution; or~~
- ~~15. Does not satisfy one or more eligibility criteria listed in R6-5-4904 through R6-5-4916;~~
- ~~16. Has exhausted the 60-month lifetime limit for all children in the eligible family under R6-5-4919(D) and does not qualify for an extension.~~

~~R6-5-4923.~~ R6-5-4920. Overpayments

A. Overpayments; ~~Date~~ date of ~~Discovery~~ discovery.

- ~~1. The Department shall pursue collection of all client- and provider-caused overpayments~~
Overpayments caused by a Child Care Provider or Client.
- ~~2. The Department discovers an overpayment~~ Overpayment ~~on the date the Department determines~~ validates ~~that an overpayment~~ Overpayment ~~exists.~~
- ~~3. The Department shall write an overpayment report within 90 days of the discovery date.~~

~~4. If the CCA office suspects that an overpayment was caused by fraudulent activity, it shall refer the overpayment report to the Department's Office of Special Investigations for potential prosecution.~~

~~5. The Department shall not attempt to recover an overpayment from a person who is not a current recipient when the overpayment was not the result of fraud, and the Department has exhausted reasonable efforts to collect the overpayment and has determined that it is no longer cost effective to pursue the claim.~~

3. The Department shall refer the Overpayment report to OIG for review if the Department suspects that an Overpayment was caused by fraudulent activity.

4. The Department shall not recover an Overpayment from a person who is not a current Client when the Overpayment was not fraudulent, and the Department determines it is not cost-effective to pursue the claim.

5. The Department may decide not to pursue an Overpayment from a current Client if the Department determines it is not cost-effective to pursue the claim.

B. ~~Overpayments: Persons Liable:~~ Persons liable. The Department shall pursue collection of an ~~overpayment~~ Overpayment from:

1. The ~~client~~ Client, if the ~~overpayment was caused by the client~~ Client caused the Overpayment;

2. Any individual member of the family who was included in ~~family size~~ the Family Size as prescribed in R6-5-4914 (D) during the ~~overpayment~~ Overpayment period if the ~~overpayment~~ Overpayment was caused by the ~~client~~ Client; or

3. The ~~child care provider~~ if the Child Care Provider caused the ~~overpayment~~ Overpayment ~~was caused by the provider.~~

C. The Department may deduct any provider caused overpayment from future reimbursement payments to contracted providers.

~~R6-5-4924.~~ R6-5-4921. Appeals and Hearings

A. Entitlement to a ~~Hearing~~ hearing.

1. An ~~applicant~~ Applicant or Client ~~for or recipient~~ of Child Care Assistance is entitled to a hearing to contest the following Department actions:

~~a. Denial of the right to apply for assistance;~~

~~b.a.~~ Complete or partial ~~denial~~ Denial of an ~~application~~ Application for ~~assistance~~ Child Care Assistance;

~~e.b.~~ Failure to make an eligibility determination on an ~~application~~ Application within 30 days of the ~~application file date~~ Application File Date;

~~d.c.~~ Suspension, termination, reduction, or withholding of assistance, except as provided in ~~subsection (B)~~ R6-5-4921(D); ~~or~~

~~e.d.~~ Increase in the fee level and DES-required copayment amount; ~~or.~~

~~f. The existence or amount of an overpayment attributed to the family or the terms of a plan to repay the overpayment.~~

2. Applicants and ~~recipients~~ Clients are not entitled to a hearing to challenge benefit adjustments made automatically ~~as a result of~~ due to changes in federal or state law, or

Denial or termination of assistance due to insufficient funds, unless the Department has incorrectly applied ~~such~~ the law to the individual seeking the hearing.

B. ~~Request for Hearing;~~ Time Limits.

1. A person ~~who wishes to appeal a negative action~~ shall file a written ~~request for a fair hearing appeal~~ with a ~~local CCA DCC~~ office; within ~~10 days~~ ten Days of the ~~negative action notice date~~ Negative Action Notice Date.
2. A ~~request for a hearing request~~ is ~~deemed~~ filed;
 - a. On the ~~date it is mailed, if transmitted via the United States Postal Service or its successor. The mailing date is as follows:~~ Mailing Date, if sent by mail, or
 - i. ~~As shown by the postmark;~~
 - ii. ~~As shown by the postage meter mark of the envelope in which it is received, if there is no postmark; or~~
 - iii. ~~The date entered on the document as the date of its completion, if there is no postmark or no postage meter mark, or if the mark is illegible.~~
 - b. On the date actually received by the Department, if not sent through the ~~mail as provided in subsection (B)(2)(a)~~ United States Postal Service or its successor.
3. The submission of any document is considered timely if the ~~appellant~~ Appellant proves that delay in submission was due to Department error or misinformation, or to delay caused by the ~~U.S.~~ United States Postal Service or its successor.

4. Any document mailed by the Department is considered ~~as having been given to the addressee on date it is mailed~~ delivered to the addressee on the Mailing Date on which it was mailed to the addressee's last known address. ~~The date mailed shall be presumed to be the date shown on the document, unless otherwise indicated by the facts.~~
5. The Office of Appeals shall ~~deny~~ Deny any request ~~that is~~ not timely filed. A party may appeal a decision on the timeliness of an appeal.

C. ~~Hearing Requests; Preparation and Processing~~ processing.

1. Within ~~two work days of~~ five Business Days after receiving a request for appeal, the ~~local CCA-DCC~~ office shall notify the Office of Appeals of the hearing request.
2. Within ~~10 days~~ ten Days of receiving a request for appeal, the ~~local CCA-DCC~~ office shall ~~prepare and~~ forward to the Office of Appeals a prehearing summary ~~which~~ that shall include:
 - a. The ~~appellant's~~ Appellant's name (and the case name, if different);
 - b. The ~~appellant's~~ Appellant's SSN (or case number, if different);
 - c. The ~~local office~~ Local Office responsible for the ~~appellant's~~ Appellant's case;
 - d. A brief summary of the facts surrounding, and the grounds supporting, the ~~negative action~~ Negative Action;
 - e. Citations to the ~~specific provisions of this Article or the Department's CCA manual~~ law and applicable authority; and

- f. The decision notice and any other documents relating to the appeal.
3. The ~~local office~~ DCC Office shall ~~mail the appellant~~ provide the Appellant a copy of the prehearing summary.
 4. Upon receipt of a hearing request, the Office of Appeals shall schedule the ~~hearings~~ hearing.
- D. Continuation of ~~Assistance Pending Appeal; Exceptions~~ assistance pending appeal; exceptions.**
1. If an ~~appellant~~ Appellant files a request for appeal within ~~10 calendar days~~ ten Days of the ~~negative action notice date~~ Negative Action Notice Date, the Department shall continue current assistance at ~~the current level~~ at the Applicant's request unless:
 - a. The ~~appellant~~ Appellant waives continuation of current assistance;
 - b. The appeal results from a change in federal or state law ~~which~~ that mandates an automatic adjustment for all classes of ~~recipients and does not involve a misapplication of the law~~ Applicants and Clients; ~~or~~
 - c. The appeal results from a Denial or termination of assistance that affects an entire class when sufficient monies are not available or appropriated to pay for all classes of Applicants and Clients, and concerns issues not related to individual questions of fact;
or
 - e.d. The ~~appellant is requesting~~ Appellant requests continuation of ~~TCC~~ Transitional Child Care benefits for longer than the 24-month eligibility period, as described at

A.R.S. §46-803(B).

2. The ~~negative action~~ Negative Action shall be stayed until ~~receipt of the Department receives~~ an official written decision ~~in favor of the Department on the appeal~~, except in the following circumstances:
 - ~~a. At the hearing and on the record, the hearing officer finds that the sole issue involves application of law, and the Department properly applied the law and computed the assistance due the appellant;~~
 - ~~b.a.~~ A change in eligibility or assistance amount occurs for reasons other than those being appealed, and the ~~eligible family~~ Eligible Family receives and fails to timely appeal a notice of ~~negative action~~ Negative Action concerning ~~such the~~ change;
 - ~~e.b.~~ Federal or state law mandates an automatic adjustment for ~~classes of recipients an~~ entire class of Applicants and Clients;
 - ~~d.~~ The appellant withdraws the request for hearing; or
 - ~~c.~~ The appeal results from a Denial or termination of assistance that affects an entire class when sufficient monies are not available or appropriated to pay for all classes of Applicants and Clients, and concerns issues not related to individual questions of fact;
 - ~~e.d.~~ The ~~appellant~~ Appellant fails to appear for a scheduled hearing without prior notice to the Office of Appeals, and the hearing officer ~~does not rule in favor of rules against the appellant~~ Appellant based upon the record; or
 - ~~e.~~ The Appellant fails to appear for a scheduled hearing without prior notice to the

Office of Appeals, and the hearing officer rules against the Appellant based upon the record.

3. Upon receipt of a decision in favor of the Department, the Department shall write an ~~overpayment~~ Overpayment for the amount of any assistance the family received in excess of the correct amount, while the stay was in effect.

E. Hearing officer; qualifications; duties; subpoenas.

1. A hearing officer in the Office of Appeals shall conduct all hearings.
2. The hearing officer shall:
 - a. Administer oaths and affirmations;
 - b. Conduct the hearing in an orderly manner that avoids undue repetition and affords due process to all participants;
 - c. Subpoena witnesses or documents;
 - d. Request, receive, and enter all relevant evidence into the record;
 - e. Examine all relevant issues;
 - f. Exclude irrelevant evidence;
 - g. Order an independent medical assessment or professional evaluation, when relevant to the case, from a source agreeable to the parties;
 - h. Rule on the admissibility of evidence;
 - i. Direct the order of proof at the hearing;
 - j. For Good Cause shown, and upon the hearing officer's own motion or the request of either party, take such action as necessary for the appeal's proper disposition including, the following:
 - i. Recuse or disqualify the hearing officer from the case;

- ii. Continue the hearing to a future date;
 - iii. Prior to entry of a final decision, reopen the hearing to take additional evidence;
 - iv. Deny or dismiss the appeal or Request for Hearing in accordance with the provisions of this Article;
 - v. Exclude non-party witnesses from the hearing room; and
 - vi. Issue a written decision deciding the appeal.
 - k. Open, conduct, and close the hearing;
3. Subpoenas.
- a. A party who wishes to subpoena a witness, document, or other physical evidence shall make a written request to the Office of Appeals which shall describe:
 - i. The case name and number;
 - ii. The party requesting the subpoena;
 - iii. The name and address of any person to be subpoenaed, with a description of the subject matter of the witness's anticipated testimony; and
 - iv. A description of any documents or physical evidence to be subpoenaed, and the name and address of the custodian of the document or physical evidence.
 - b. The party requesting the subpoena shall make the request at least five Business Days before the scheduled hearing date.
 - c. The hearing officer shall Deny the request if the witness's proposed testimony is not relevant to the issues in the hearing.
 - d. The Office of Appeals shall prepare all subpoenas and serve them by certified mail, return receipt requested.

4. An Appellant may request a change in hearing officer at least 10 Days prior to the hearing. The first request shall be granted automatically if submitted in a timely manner. Subsequent requests for a change in hearing officer shall be denied unless the appellant is able to establish Good Cause for the request.

F. Hearing notice.

1. The Office of Appeals shall schedule the hearing to be held telephonically for the convenience of the parties; however, the appellant may request to appear in person.
2. The Office of Appeals shall mail a hearing notice to all parties at least 10 Days before the hearing. The Appellant may waive the 10-Day notice period or request a continuance when there is less than a 10-Day notice provided.
3. The notice of hearing shall be in writing and include the following information:
 - a. The date, time, and place of the hearing;
 - b. The name of the hearing officer;
 - c. The issues involved in the case; and
 - d. A statement listing the Appellant's rights, as follows:
 - i. To appear in person or by telephone;
 - ii. To have a representative present the case;
 - iii. To copy, at a reasonable time prior to the hearing or during the hearing, any documents in the Appellant's case file which are relevant to the issues being heard, and all documents the Department may use at the hearing; and
 - iv. To obtain from DCC information on available community legal resources that may assist the Appellant.

G. Rescheduling.

1. An Appellant may request a hearing postponement by calling or writing to the Office of Appeals and providing Good Cause for the request.
2. The Office of Appeals may Deny an untimely request or a request that fails to establish Good Cause. The request shall be considered timely if received by the Office of Appeals at least five Business Days before the hearing date.
3. When a hearing is rescheduled, the Office of Appeals shall mail notice to all parties.

H. Group hearings. The Department may conduct a single group hearing on individual hearing requests if the sole issue in each case is interpretation of the same question of federal or state law or policy. Any Appellant may withdraw from the group hearing and obtain a separate hearing; and each Appellant or Appellant's representative may present the Appellant's own case.

I. Withdrawal of appeal; default.

1. An Appellant may voluntarily withdraw an appeal at any time prior to the hearing by signing a written statement requesting to withdraw. The Department shall make a withdrawal form available for this purpose but shall accept any written request.
2. An Appellant may involuntarily withdraw an appeal by failing to appear at the scheduled hearing.
 - a. The hearing officer may enter a default decision dismissing the appeal if the Appellant fails to appear at the hearing.
 - c. If the Appellant fails to appear and wishes to reopen the proceedings, the Appellant shall file a written request within 10 Days of the dismissal mailing date. The Appellant shall demonstrate Good Cause as to why the Appellant failed to appear. The hearing officer may reschedule the hearing and provide notice to all parties.

3. The hearing officer shall not enter a default decision if the Appellant gives notice prior to the hearing that the Appellant is unable to attend the hearing due to Good Cause. The Appellant shall request the Office of Appeals to either reschedule the hearing or have the matter considered on the available record in the Appellant's absence.

J. When the Department fails to appear at the hearing, the hearing officer may rule summarily on the available record or may adjourn the hearing to a later date and time.

K. Hearing proceedings.

1. Standard of review and burden of proof. The standard of review is De Novo. The Appellant bears the burden of proving eligibility or entitlement to benefits by a preponderance of the evidence.
2. Appearance by parties and representatives.
 - a. The Appellant shall appear in-person or by telephone.
 - b. The Appellant may submit a personal statement under oath instead of appearing. The Appellant shall file the personal statement with the Office of Appeals prior to the hearing. The Office of Appeals shall provide a copy of the Appellant's statement to the Department.
 - c. The DCC representative or appointed person may testify for the Department.
3. Evidence and argument.
 - a. The Appellant may testify, present evidence, cross-examine witnesses, and present arguments.
 - b. Formal rules of evidence shall not apply.
4. The record.

- a. The hearing officer shall keep a complete record of all appeal proceedings. The Appellant or the Appellant's representative may inspect the record upon request.
- b. The Office of Appeals shall provide an electronic recording of the hearing to either party upon request at no charge.

L. Hearing decision; Time Limits; form; finality.

- 1. No later than 90 Days after the date the Appellant files a request for appeal, the hearing officer shall issue a written decision. The Time Limit is extended for any delay that benefits the Appellant.
- 2. The decision shall include:
 - a. Findings of facts pertinent to the issues;
 - b. Citations to the law and applicable authority;
 - c. Conclusions and supporting reasons derived from the controlling facts and law;
 - d. Relief granted to either party; and
 - e. Appeal rights available to the Appellant, and the time period for exercising those rights.
- 3. The Office of Appeals shall provide a copy of the decision to each party or party's representative via United States Postal Service, or e-mail. Additionally, either party may obtain a copy in person at the Office of Appeals.
- 4. The decision is final unless a party files a timely request for further appeal.

M. Implementation of the decision.

- 1. If the decision requires CCA to take further action, such action shall occur within ten Days of the decision date.

2. Decisions in favor of the Appellant shall apply retroactively to the date of the action appealed or the date stated by the hearing officer in the written decision.
3. If the decision affirms the Department's decision to take adverse action, the Department shall treat any resulting Overpayment as a Client-caused, non-fraud Overpayment.

N. Appeal of hearing decision.

1. Either party may appeal an adverse hearing decision to the Appeals Board.
 - a. The party shall file a written petition for review with the Office of Appeals within 15 Days of the Mailing Date of the hearing officer's decision.
 - b. The petition shall state the grounds for review and be signed and dated.
2. The petition is deemed filed:
 - a. On the Mailing Date, if sent by mail.
 - b. On the date actually received by the Office of Appeals, if not sent through the United States Postal Service.

O. Appeals Board proceedings and decision. The Appeals Board shall issue a final written decision to the parties affirming, reversing, or modifying the hearing decision or remanding the case for further proceedings to the Office of Appeals or for correction by the Department.

R6-5-4922. Intentional Program Violation

A. IPV Determination.

1. An IPV exists when:
 - a. An act or omission that misrepresents, conceals, or withholds a material fact, or furthers a falsehood; or
 - b. A repeated or substantial failure to comply with the rules regarding Child Care Assistance eligibility.

2. An Applicant, Client, or Eligible Family member commits an IPV if the the Applicant, Client, or Eligible Family member:
 - a. Conceals or withholds a material fact or furthers a falsehood;
 - b. Repeatedly or substantially fails to comply with Child Care Assistance eligibility rules;
 - c. Signs a waiver of administrative disqualification hearing;
 - d. Is found to have committed an IPV by an administrative disqualification hearing;
 - e. Is convicted of fraud in relation to participation in Child Care Assistance;
 - f. Meets the terms of a court order for deferred prosecution for fraud related to participation in Child Care Assistance; or
 - g. If the allegation is determined to be substantiated by OIG investigation.
3. If the DCC believes an IPV exists, the DCC shall refer the matter to OIG for further investigation.
4. The OIG shall determine whether or not an IPV exists based on the investigation.
5. The Department may initiate an administrative disqualification hearing upon clear and convincing evidence that the Applicant, Client, or Eligible Family member committed an IPV.
6. The Department shall send to the Applicant, Client, or Eligible Family member suspected of committing an IPV a written notice that an administrative disqualification hearing is to be held. The written notice shall include:
 - a. The allegations against the suspected violator and the description of the evidence supporting the allegations;
 - b. The specific rules or policies of Child Care Assistance that were violated;

- c. An explanation of the administrative disqualification hearing;
- d. An explanation of the sanctions imposed for an IPV;
- e. A statement of the suspected violator's right to waive the administrative disqualification hearing;
- f. A statement that the administrative disqualification hearing does not preclude civil or criminal court action;
- g. A statement of the suspected violator's right to remain silent concerning the allegations;
- h. An explanation that any verbal or written statement by the suspected violator concerning the allegations may be used against the suspected violator in an administrative disqualification hearing or in a court of law;
- i. A statement that the suspected violator may be represented at the administrative disqualification hearing;
- j. A list of persons or organizations that may provide the suspected violator with free legal advice;
- k. An explanation that the Department may hold any remaining Adult Eligible Family members responsible for repayment of any Overpayment resulting from an IPV; and
- l. The name, address, and telephone number of a Department representative whom the suspected violator may contact for further information.

B. Waiver.

- 1. An Applicant, Client, or Eligible Family member may waive the right to an administrative disqualification hearing at any time. The Department shall mail the suspected violator, in addition to the notice in R6-5-4922(A)(5), a written notice of the

right to waive the administrative disqualification hearing. The waiver notice shall include:

- a. A statement that any hearing waiver automatically establishes an IPV, eliminates the right to further appeal, and will result in disqualification and the elimination of benefits for other Eligible Family members for the disqualification period;
 - b. A statement providing the suspected violator an opportunity to admit to the facts supporting disqualification, or waive the hearing without admitting to the facts;
 - c. The date the signed waiver notice is required to be received by the Department to avoid the administrative disqualification hearing;
 - d. A statement that a waiver of administrative disqualification hearing does not preclude civil or criminal court action;
 - e. A statement that the Applicant or Client for Child Care Assistance shall also sign the waiver, if the suspected violator is not the Applicant or Client;
 - f. Signature lines for the suspected violator and the Applicant or Client for Child Care Assistance; and
 - g. A statement that the waiver shall be witnessed by a notary public or other official qualified to administer oaths under state law;
2. For the purposes of imposing sanctions, a signed waiver shall have the same effect as an administrative disqualification adjudication.

C. Administrative disqualification hearing.

1. The same requirements under section R6-5-4921(B) shall be followed for IPV cases.
2. If the suspected violator does not return the waiver by the date in the waiver notice, the Office of Appeals shall schedule a hearing and mail the suspected violator a hearing

notice. The Office of Appeals shall mail the notice no later than 30 Days before the hearing date.

3. The hearing notice shall include:

- a. The date, time, and place of the hearing;
- b. The issues;
- c. The location where the suspected violator may examine the evidence before the hearing;
- d. A notice that the hearing officer shall render a decision based solely on the evidence that the Department offers if the suspected violator fails to appear;
- e. An explanation of the sanctions the Department shall impose if the hearing officer finds the suspected violator committed an IPV;
- f. A list of the suspected violator's procedural rights;
- g. A notice that the pending hearing does not preclude civil or criminal court action;
- h. A statement informing the suspected violator of any free legal advice that may be available;
- i. A statement containing the Office of Appeals hearing procedures; and
- j. A statement that the suspected violator may postpone the hearing by contacting the Office of Appeals by telephone, in writing or in person, at least 10 Days before the hearing date to request a postponement.

4. At the start of the hearing, the hearing officer shall advise the suspected violator of the right to remain silent and the consequences of exercising that right.

5. A hearing officer, as prescribed in R6-5-4921, shall conduct the disqualification hearing pursuant to the procedures set forth in R6-5-4921(F), R6-5-4921(G), and R6-5-4921(K), except as prescribed in this subsection.
 - a. The suspected violator does not need to request a hearing.
 - b. Upon confirmation that the Office of Appeals mailed a timely hearing notice, the hearing officer may conduct the disqualification hearing in the absence of the suspected violator and when no representative of the suspected violator is present on their behalf.
6. The Department shall prove by clear and convincing evidence that the suspected violator committed an IPV.
7. No later than 90 Days from the Notice Date of hearing, as increased by any postponement Days, the hearing officer shall mail a written decision to the suspected violator.

D. Appeal.

1. A person found to have committed an IPV through an administrative disqualification hearing may appeal the decision to the Department's Appeals Board.
2. A violator who signed a waiver of disqualification hearing has no right to further administrative appeal.

E. Sanctions; notice.

1. A person who commits an IPV is disqualified from program participation for the following time:
 - a. 12 months for the first violation;
 - b. 24 months for the second violation; and
 - c. Permanently for the third violation.

2. The Department shall not authorize Child Care Assistance during the disqualification sanction period for any children who are in the care of and residing with the violator, the violator's spouse, or any other Parent or Responsible Person who was a member of the Eligible Family when the violation occurred.
 - a. The Department shall terminate Child Care Assistance if the Client who commits IPV is currently receiving Child Care Assistance.
 - b. The Client may re-apply for Child Care Assistance once the disqualification period ends.
 3. The sanction may be stayed when:
 - a. The violator is a Jobs Program Participant, until the violator is no longer a Jobs Program Participant; or
 - b. The children in the care of the violator are receiving Child Care Assistance as referred by DCS services, until the children in the care of the violator are no longer receiving DCS referred Child Care Assistance.
 4. Upon the finding of an IPV, the Department shall notify the violator of the disqualification. The notice shall:
 - a. Inform the violator of the decision and the reasons for the decision;
 - b. Provide the beginning date and duration of the disqualification, including an explanation of any stay of disqualification; and
 - c. Explain the consequences of the disqualification on all members of the Eligible Family.
- F. Honoring out-of-state IPV disqualifications and sanctions. The Department shall honor sanctions imposed against an Applicant or Clients of the Child Care and Development Fund

in another state and shall consider prior violations committed in another state when determining the appropriate sanction.

~~R6-5-4925:~~ R6-5-4923. **Maximum Reimbursement Rates for Child Care**

~~The Department shall pay the maximum reimbursement rates for child care as set forth in Appendix B.~~

A. The Department shall conduct a market rate survey or use a federally approved alternative methodology to study the following categories of rates to measure the adequacy and appropriateness of the reimbursement rates every three years:

1. Types of Child Care Provider;
2. Children's age groups;
3. Geographic regions; and
4. Full- and part-time care.

B. The Department shall establish the reimbursement rates based on the results of market rate surveys or a federally approved alternative methodology, and the available funding.

C. The Department shall post the most current reimbursement rates and the market rate survey or federally approved alternative methodology on the Department's website.

D. The Department shall reimburse Child Care Providers based on the maximum reimbursement rate minus any Department-assigned copayment, when applicable.

~~Appendix A. Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule Repealed~~

~~ARIZONA DEPARTMENT OF ECONOMIC SECURITY~~

**CHILD CARE ASSISTANCE GROSS MONTHLY INCOME ELIGIBILITY CHART
AND FEE SCHEDULE**

Effective October 1, 2015

FAMH LY SIZE	FEE LEVEL 1 (L1) INCOM E MAXIM UM EQUAL TO OR LESS THAN 85% FPL*	FEE LEVEL 2 (L2) INCOM E MAXIM UM EQUAL TO OR LESS THAN 100% FPL*	FEE LEVEL 3 (L3) INCOM E MAXIM UM EQUAL TO OR LESS THAN 135% FPL*	FEE LEVEL 4 (L4) INCOM E MAXIM UM EQUAL TO OR LESS THAN 145% FPL*	FEE LEVEL 5 (L5) INCOME MAXIMU M EQUAL TO OR LESS THAN 155% FPL*	FEE LEVEL 6 (L6) INCOM E MAXIM UM EQUAL TO OR LESS THAN 165% FPL*
1	0—834	835—981	982— 1,325	1,326— 1,423	1,424— 1,521	1,522— 1,619
2	0—1,129	1,130— 1,328	1,329— 1,793	1,794— 1,926	1,927— 2,059	2,060— 2,192
3	0—1,424	1,425— 1,675	1,676— 2,262	2,263— 2,429	2,430— 2,597	2,598— 2,764
4	0—1,718	1,719— 2,021	2,022— 2,729	2,730— 2,931	2,932— 3,133	3,134— 3,335
5	0—2,013	2,014— 2,368	2,369— 3,197	3,198— 3,434	3,435— 3,671	3,672— 3,908

6	0—2,308	2,309 2,715	2,716 3,666	3,667 3,937	3,938 4,209	4,210 4,480
7	0—2,602	2,603 3,061	3,062 4,133	4,134 4,439	4,440 4,745	4,746 5,051
8	0—2,897	2,898 3,408	3,409 4,601	4,602 4,942	4,943 5,283	5,284 5,624
9	0—3,192	3,193 3,755	3,756 5,070	5,071 5,445	5,446 5,821	5,822 6,196
10	0—3,486	3,487 4,101	4,102 5,537	5,538 5,947	5,948 6,357	6,358 6,645**
11	0—3,781	3,782 4,448	4,449 6,005	6,006 6,450	6,451 6,783**	
12	0—4,076	4,077 4,795	4,796 6,474	6,475 6,922**		

MINIMUM REQUIRED COPAYMENTS

Per child in care	full day = \$1.00 part day = \$.50	full day = \$2.00 part day = \$1.00	full day = \$3.00 part day = \$1.50	full day = \$5.00 part day = \$2.50	full day = \$7.00 part day = \$3.50	full day = \$10.00 part day = \$5.00
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For families receiving Transitional Child Care (TCC) there is no co-pay assigned beyond the third child in the family

~~Full day = Six or more hours; Part day = Less than six hours.~~

~~Families receiving Child Care Assistance based on Department of Child Safety Foster Care, the Jobs Program or those who are receiving Cash Assistance (CA) and are employed, do not have an assigned fee level or a minimum required copayment. However, all families may be responsible for charges above the minimum required copayments if a provider's rates exceed allowable state reimbursement maximums or the provider has other additional charges.~~

~~*Federal Poverty Level (FPL) = US Department of Health and Human Services 2015 poverty guidelines. The Arizona state statutory limit for child care assistance is 165 percent of the Federal Poverty Level.~~

~~**The Federal Child Care & Development Fund (CCDF) statutory limit for child care assistance is 85 percent of the Low Income Home Energy Assistance Program State Median Income (SMI) Estimates for Federal Fiscal Year (FFY) 2016, October 1, 2015 through September 30, 2016. 80 FR, Page 32958-32959, June 10, 2015.~~

~~Appendix B. Maximum Reimbursement Rates for Child Care~~

~~ARIZONA DEPARTMENT OF ECONOMIC SECURITY~~

~~DIVISION OF EMPLOYMENT AND REHABILITATION SERVICES~~

~~CHILD CARE ADMINISTRATION~~

~~MAXIMUM REIMBURSEMENT RATES FOR CHILD CARE CENTERS~~

(effective for services provided on or after 7/1/2007)

Age Group	District I	District II	District III	District IV	District V	District VI
Birth < 1 yr:						
Full day	31.71	28.35	23.52	22.05	31.50	33.60
Part day	23.52	20.79	19.32	19.95	26.25	26.25
1 yr < 3 yrs:						
Full day	27.93	26.25	21.84	19.95	29.40	21.84
Part day	21.00	19.07	18.90	18.90	15.75	18.48
3 yrs < 6 yrs:						
Full day	24.99	23.19	21.00	18.90	21.00	19.95
Part day	17.85	16.80	15.75	16.80	13.02	13.65
6 yrs < 13 yrs:						
	24.57	23.10	17.85	17.85	20.10	19.95

Full day	16.80	15.75	14.70	15.75	14.00	13.65
Part day						

GROUP HOMES

Age Group	District I	District II	District III	District IV	District V	District VI
Birth < 1 yr:						
Full day	25.20	23.10	24.15	21.00	19.95	22.26
Part day	16.80	16.80	24.15	14.70	13.13	18.90
1 yr < 3 yrs:						
Full day	23.10	23.10	23.10	18.90	19.95	22.31
Part day	15.75	16.80	15.75	12.60	12.60	17.85
3 yrs < 6 yrs:						
Full day	21.00	21.00	23.10	18.90	19.95	19.43

Part day	15.75	16.80	14.65	12.60	12.60	16.80
6 yrs < 13 yrs:						
Full day	18.90	21.00	17.85	18.90	19.95	19.42
Part day	14.70	16.60	14.65	12.60	12.60	17.85

Age Group	District I	District II	District III	District IV	District V	District VI
Birth < 1 yr:						
Full day	21.00	19.95	18.90	18.90	21.00	18.90
Part day	14.70	12.60	10.50	11.03	12.60	10.50
1 yr < 3 yrs:						
Full day	21.00	18.90	17.85	17.85	20.10	17.85
Part day	13.65	12.60	10.50	11.03	11.55	10.50

3 yrs < 6 yrs:						
Full day	18.90	18.90	16.80	17.85	18.90	16.80
Part day	12.60	12.60	10.50	11.03	10.50	10.50
6 yrs < 13 yrs:						
Full day	17.85	18.90	16.80	16.80	18.90	16.80
Part day	12.60	11.55	10.50	10.50	10.50	10.50

~~CERTIFIED FAMILY HOMES AND CERTIFIED IN-HOME PROVIDERS~~

~~The actual reimbursement amount is equal to the reimbursement rate minus any DES designated co-payment. However, in no event shall the amount reimbursed exceed the lesser of the provider's actual charges or the maximum reimbursement rate minus any DES designated co-payment.~~

~~Payment Rates for Non-Certified Relative Providers (NCRPs) will be \$11.03 for Full day and \$6.30 for Part day, minus any DES designated co-payment. This rate will be paid to NCRPs statewide for care provided to children of all ages.~~

~~The maximum reimbursement rates may be increased by up to ten percent for child care providers who are nationally accredited.~~

~~Full day = six or more hours per day. Part day = less than six hours per day.~~